

**WEDNESDAY, MAY 14, 1997**

**FORTY-SECOND LEGISLATIVE DAY**

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Bobby Wood.

Representative Wood led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 99

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

**PERSONAL ORDERS**

**RECOGNITION IN THE WELL**

Rep. Windle was recognized in the Well to honor Astronaut Roger Crouch.

**RULES SUSPENDED**

Rep. Windle moved that the rules be suspended for the purpose of introducing House Resolution No. 79 out of order, which motion prevailed.

**House Resolution No. 79** -- Memorials, Professional Achievement - Roger Crouch. by \*Windle.

On motion, the rules were suspended for the immediate consideration of the resolution.

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On motion of Rep. Windle, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 116:** Rep(s). Hargrove as first prime sponsor(s).

**House Bill No. 370:** Rep(s). Kent as first prime sponsor(s).

**House Bill No. 392:** Rep(s). Bird, Phelan, Sands, Sargent, Boner, Newton, Hood as prime sponsor(s).

**House Bill No. 757:** Rep(s). Haley, Ford, Patton, Goins, Dunn, Beavers, Brooks, Kent, McMillan, Williams, Roach, McDaniel and Pleasant as prime sponsor(s).

**House Bill No. 758:** Rep(s). Ford, Patton, Roach, Kent, McMillan, Williams and McDaniel as prime sponsor(s).

**House Bill No. 760:** Rep(s). Haley, Ford, Patton, Kent, Roach, McMillan, Williams, McDaniel and Pleasant as prime sponsor(s).

**House Bill No. 761:** Rep(s). Haley, Ford, Patton, Kent, McMillan, Williams, Roach, McDaniel and Pleasant as prime sponsor(s).

**House Bill No. 787:** Rep(s). Pleasant, Haley and Hargett as prime sponsor(s).

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**House Bill No. 798:** Rep(s). Haley, Ford, Patton, Beavers, Brooks, McDaniel and Pleasant as prime sponsor(s).

**House Bill No. 799:** Rep(s). Haley, Beavers, Brooks, Ford, Patton, McDaniel and Pleasant as prime sponsor(s).

**House Bill No. 800:** Rep(s). Haley, Ford, Patton, Beavers, Brooks, McDaniel and Pleasant as prime sponsor(s).

**House Bill No. 801:** Rep(s). Haley, Ford, Patton, Godsey, Langster, Beavers, Brooks, Goins, Dunn, McDaniel and Pleasant as prime sponsor(s).

**House Bill No. 861:** Rep(s). Caldwell as prime sponsor(s).

**House Bill No. 988:** Rep(s). Pleasant, Haley and Hargett as prime sponsor(s).

**House Bill No. 1344:** Rep(s). Pleasant, Haley and Hargett as prime sponsor(s).

**House Bill No. 1362:** Rep(s). Langster, Cooper and Fitzhugh as prime sponsor(s).

**House Bill No. 1055:** Rep(s). Beavers, Fraley, Ford, Sharp, Boyer, Cross, Fitzhugh, Hargrove, White, Whitson, Givens, Jackson, Sands, Cole (Dyer), Phelan, Maddox, Bittle, Burchett, Garrett, Dunn, Roach, McDaniel, Ferguson, Newton, Sargent, Fitzhugh as prime sponsor(s).

**House Bill No. 1593:** Rep(s). Pleasant, Haley and Hargett as prime sponsor(s).

**House Bill No. 1633:** Rep(s). Langster as prime sponsor(s).

**House Bill No. 1648:** Rep(s). Pleasant, Haley and Hargett as prime sponsor(s).

**House Bill No. 1792:** Rep(s). Pleasant, Haley and Hargett as prime sponsor(s).

**House Bill No. 1913:** Rep(s). Langster and Pruitt as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**May 13, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 400, 1281 and 1758; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 400 --** Guardianship - Authorizes commission on aging to develop and implement program to recruit, train, and coordinate volunteers to assist district public guardians in maintaining independence and dignity of elderly wards. Amends TCA Title 34, Chapter 7, Part 1. by \*Harper.

**WEDNESDAY, MAY 14, 1997 -- FORTY-SECOND LEGISLATIVE DAY**

**\*Senate Bill No. 1281** -- Benton County - Subject to local approval, authorizes severance tax on pulpwood. by \*Herron.

**\*Senate Bill No. 1758** -- Taxes, Business - Creates tax credit for transfers of certain personal properties to governmental units or instrumentalities. Amends TCA Title 67, Chapter 4. by \*Ramsey.

**MESSAGE FROM THE SENATE**

**May 13, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1056; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**May 13, 1997**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 150, 184, 273, 381, 433, 654, 1128, 1315, 1469, 1480, 1660 and 1993, also, House Joint Resolution(s) No(s). 61, 147, 192, 217, 219 and 278.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

**May 13, 1997**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 57, without his signature.

COURTNEY PEARRE, Counsel to the Governor.

**MESSAGE FROM THE SENATE**

**May 13, 1997**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 251; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**May 13, 1997**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 1056.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

**May 13, 1997**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 280, 421, 1063, 1159 1730, 1901, 1978, 1983 and 1984, also, House Joint Resolution(s) No(s). 22, 77, 221, 223, 228, 232, 233, 234, 235, 237 and 239; with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**ENROLLED BILLS**

**May 13, 1997**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 187, 258, 953, 1107, 1904 and 1964; House Joint Resolution(s) No(s). 251; also, House Resolution(s) No(s). 76.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**May 13, 1997**

The Speaker signed the following: House Bill(s) No(s). 187, 258, 953, 1107, 1904 and 1964; House Joint Resolution(s) No(s). 251; also, House Resolution(s) No(s). 76.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 14, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 268, 269, 270 and 273; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 268** -- Memorials, Academic Achievement - Elizabeth Fentress, Valedictorian, Greenbrier High School. by \*Graves.

**Senate Joint Resolution No. 269** -- Memorials, Academic Achievement - Lori Beth Bennett, Salutatorian, Springfield High School. by \*Graves.

**Senate Joint Resolution No. 270** -- Memorials, Academic Achievement - Jessica Ruth Douthitt, Valedictorian, Springfield High School. by \*Graves.

**Senate Joint Resolution No. 273** -- Memorials, Personal Occasion - Mr. and Mrs. Bill White, 50th anniversary. by \*Herron.

**MESSAGE FROM THE SENATE**  
**May 14, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 232, 245 and 249; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Joint Resolution No. 232** -- Memorials, Government Officials - Urges Department of Safety to conduct statewide competition to select design for new motor vehicle registration plates. by \*Kyle.

**Senate Joint Resolution No. 245** -- Memorials, Interns - Alice Marie Farr. by \*Person, \*Leatherwood, \*Cohen.

**Senate Joint Resolution No. 249** -- Memorials, Professional Achievement - 2nd Lieutenant Allen L. Stewart. by \*Haynes.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 280** -- General Assembly, Studies - Creates special joint committee to study various issues addressed in "Patient Advocacy Act of 1997," including "any willing provider" provisions. by \*Odom.

Health & Human Resources Committee

**\*House Joint Resolution No. 281** -- General Assembly, Studies - Creates special joint committee to study issues involved with landowner granting permission to enter upon property for hunting or fishing. by \*Rinks.

State & Local Government Committee

**\*House Joint Resolution No. 287** -- General Assembly, Studies - Creates special joint committee to perform comprehensive analysis of methadone and usage. by \*Davis R, \*Westmoreland.

Health & Human Resources Committee

**House Joint Resolution No. 288** -- Naming and Designating - "Gospel Music Week in Tennessee," September 8 - 14 1997. by \*McKee, \*Gunnels, \*Phelan.

State & Local Government Committee

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**\*House Joint Resolution No. 298** -- General Assembly, Studies - Directs subcommittee on legislative computer system of joint legislative services committee to study feasibility of providing laptop computer to each member of general assembly. by \*Cooper B, \*Jones U (Shelby), \*Pruitt.

State & Local Government Committee

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 15, 1997:

**House Resolution No. 78** -- Memorials, Interns - Jason Mullins. by \*Westmoreland, \*Sargent, \*Mumpower.

**House Resolution No. 80** -- Memorials, Interns - Shelley Ann English. by \*Givens.

**House Joint Resolution No. 299** -- Memorials, Personal Achievement - Alan Curtis Sefton, Eagle Scout. by \*Pleasant, \*Hargett, \*Haley.

**House Joint Resolution No. 302** -- Memorials, Public Service - John Franks Bradley, Superintendent of the Milan and Martin Experiment Stations. by \*Pinion, \*Phelan.

**House Joint Resolution No. 303** -- Memorials, Public Service - Herbert Lee. by \*Eckles, \*Hood.

**House Joint Resolution No. 304** -- Memorials, Public Service - Ralph Vaughn. by \*Eckles, \*Hood.

**House Joint Resolution No. 305** -- Memorials, Retirement - Bill Jeans. by \*Robinson, \*Fowlkes, \*White, \*Buck, \*Eckles, \*McDonald, \*Ridgeway, \*Turner (Shelby), \*Head, \*Tidwell, \*Davis R, \*Beavers, \*Hood, \*Hassell, \*Sharp, \*Burchett, \*Fraley, \*Dunn, \*Hicks, \*Haley, \*Stamps, \*Newton.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 15, 1997:

**Senate Joint Resolution No. 245** -- Memorials, Interns - Alice Marie Farr. by \*Person, \*Leatherwood, \*Cohen.

**Senate Joint Resolution No. 249** -- Memorials, Professional Achievement - 2nd Lieutenant Allen L. Stewart. by \*Haynes.

**Senate Joint Resolution No. 268** -- Memorials, Academic Achievement - Elizabeth Fentress, Valedictorian, Greenbrier High School. by \*Graves.

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**Senate Joint Resolution No. 269** -- Memorials, Academic Achievement - Lori Beth Bennett, Salutatorian, Springfield High School. by \*Graves.

**Senate Joint Resolution No. 270** -- Memorials, Academic Achievement - Jessica Ruth Douthitt, Valedictorian, Springfield High School. by \*Graves.

**RESOLUTIONS LYING OVER**

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

**\*Senate Joint Resolution No. 142** -- Memorials, Congress - Urges and encourages exercise of oversight and regulatory authority to require FCC to restore traditional regulatory balance between states and federal government. by \*Rochelle.

Commerce Committee

**\*Senate Joint Resolution No. 223** -- General Assembly, Studies - Creates special joint committee to study improving citizen participation in environmental decisions made by state. by \*Haynes.

State & Local Government Committee

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 2002** -- Tipton County - Subject to local approval, repeals authority for trust fund for certain medical services. by \*Naifeh.

**House Bill No. 2003** -- Henry County - Subject to local approval, authorizes Paris and Henry County to jointly operate animal shelter. by \*Ridgeway.

**House Bill No. 2004** -- School Districts, Special - At request of West Carroll Special School District board of trustees, continues existing tax of 67 cents per \$100 on taxable property in district. Amends Chapter 109 of the Private Acts of 1981; as amended. by \*Phelan.

**House Bill No. 2005** -- Kenton - Subject to local approval, authorizes operation of schools or entering into cooperative agreements with Kenton Special School District - Amends Chapter 87 of the Private Acts of 1981. by \*Phelan.

**House Bill No. 2006** -- Kenton - Revives Kenton Special School District; provides for election, tax and bonds. Amends Chapter 84 of the Private Acts of 1947. by \*Phelan.

**House Bill No. 2007** -- Fayette County - Subject to local approval, sets salary of general sessions court judge. by \*Naifeh.



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**House Bill No. 2008** -- Johnson City - Subject to local approval, authorizes advisory referendum on whether to have zoning plan. by \*Mumpower.

**House Bill No. 2009** -- Sullivan County - Subject to local approval, makes county attorney position full time. Amends Chapter 609, Private Acts of 1935, as amended. by \*Westmoreland.

**House Bill No. 2010** -- Anderson County - Subject to local approval, implements severance tax on pulpwood. by \*Caldwell.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 1281** -- Benton County - Subject to local approval, authorizes severance tax on pulpwood. by \*Herron. (HB1015)

**\*Senate Bill No. 400** -- Guardianship - Authorizes commission on aging to develop and implement program to recruit, train, and coordinate volunteers to assist district public guardians in maintaining independence and dignity of elderly wards. Amends TCA Title 34, Chapter 7, Part 1. by \*Harper. (HB1630 )

**\*Senate Bill No. 1758** -- Taxes, Business - Creates tax credit for transfers of certain personal properties to governmental units or instrumentalities. Amends TCA Title 67, Chapter 4. by \*Ramsey. (HB1673)

**SENATE BILLS ON SECOND CONSIDERATION**

On motion, the Senate Bills listed passed second consideration and were referred to committee or held on the Clerk's desk as noted:

**Senate Bill No. 1714** -- State Employees -- Held on House Desk

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**\*House Bill No. 1986** -- Criminal Procedure -- House Judiciary Committee

**House Bill No. 1998** -- Monroe County -- Local Bill Held on House Desk

**House Bill No. 1999** -- Humboldt -- Local Bill Held on House Desk

**House Bill No. 2000** -- Hornbeak -- Local Bill Held on House Desk

House Bill No. 2001 -- Byrdstown -- Local Bill Held on House Desk

### REPORTS FROM STANDING COMMITTEES

The committees that met on **May 13, 1997**, reported the following:

#### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 14, 1997**: House Bill(s) No(s). 1484, 1397, 850, 872, 1234, 1055, 913 and 475.

The Committee met and set the following bill(s) on the **Regular Calendar** for **May 15, 1997**: House Bill(s) No(s). 945, 1328, 763, 435, 1485, 211, 990, 412, 409, 1591, 1839, 1673 and 1755.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 14, 1997**: Senate Joint Resolution(s) No(s). 129, House Joint Resolution(s) No(s). 155 and 213.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 15, 1997**: House Bill(s) No(s). 312, 320, 1521, 1659, 480, 1239, 1680, 1435 and 390.

#### AGRICULTURE

The Agriculture Committee recommended for passage: Senate Joint Resolution(s) No(s). 196, 197, 201 and 202. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 1722, 1648, 1945 and Senate Joint Resolution(s) No(s). 154; also House Bill(s) No(s). 425, 136, 988, 1778, 984, 1792, 1124, 1669 and 1354 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 861; also House Bill(s) No(s). 1066, 1443 and 636 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

The Committee further reported that House Resolution No. 24 was considered, but failed to pass.

**EDUCATION**

The Education Committee recommended for passage: House Bill(s) No(s). 1206 and Senate Joint Resolution(s) No(s). 183, also House Bill(s) No(s). 1922, 1344, 1777, 209 and House Joint Resolution No. 29 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

**FINANCE, WAYS AND MEANS**

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 1427, 894, 1536, 557, 1307, 48 and 1061, also House Bill(s) No(s). 347, 785, 1295, 1069 and 47 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

**GOVERNMENT OPERATIONS**

The Government Operations Committee recommended for passage: House Bill(s) No(s). 1364. Under the rules, each was transmitted to the Calendar and Rules Committee.

After review, the Government Operations Committee recommended that House Bill(s) No(s). 955 be referred to the Commerce Committee.

**HEALTH AND HUMAN RESOURCES**

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 667, 740, 766, 1325, 1786, 1756 and House Resolution No. 69 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

**STATE AND LOCAL GOVERNMENT**

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 1133, 548, 230, 1836, House Resolution No. 68 and House Joint Resolution No. 279, also House Bill(s) No(s). 1765, 989 and 1574 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 928; also House Bill(s) No(s). 682 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

## REPORTS FROM STANDING COMMITTEES

The committees that met on **May 14, 1997**, reported the following:

### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 15, 1997**: House Bill(s) No(s). 1909, 685, 596, 1691, 1154, 1310, 1274, 1064, 1522 and 1817.

The Committee set the following bill(s) and/or resolution(s) on the **Regular Calendar** for **May 19, 1997**: House Bill(s) No(s). 1427 and 347.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 15, 1997**: House Resolution(s) No(s). 69.

### CHILDREN & FAMILY AFFAIRS

The Committee on Children and Family Affairs recommended for passage: House Bill(s) No(s). 1820 and House Joint Resolution(s) No(s). 130, also House Bill(s) No(s). 1424 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 453 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

The Committee further recommended that House Bill No. 1810 be referred to the Government Operations Committee for review.

### CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Resolution(s) No(s). 57, also House Bill(s) No(s). 1465 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

### JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 1630, 1662, 1017 and House Joint Resolution(s) No(s). 63, also House Bill(s) No(s). 1718, 1783, 1038, 1047, 1305 and 1026 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1822, 1022 and 1042 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

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The Committee further reported that House Bill No. 1738 was considered, but failed to pass.

### **TRANSPORTATION**

The Transportation Committee recommended for passage: House Joint Resolution(s) No(s). 248, 244, 242 and Senate Joint Resolution(s) No(s).182. Under the rules, each was transmitted to the Calendar and Rules Committee.

### **CAPTION BILLS REFERRED**

Pursuant to **Rule No. 47**, the following Caption Bill(s), 65, 114, 370, 1852, 116, 1204, 1856 and 146 held on the Clerk's desk were referred to the following Committee(s):

**\*House Bill No. 65** -- Judgments -- House Judiciary Committee

**\*House Bill No. 114** -- Attorneys at Law -- House Judiciary Committee

**\*House Bill No. 116** -- Judges and Chancellors -- House Judiciary Committee

**\*House Bill No. 146** -- Unemployment Compensation -- House Finance, Ways & Means Committee

**\*House Bill No. 370** -- Criminal Offenses -- House Judiciary Committee

**House Bill No. 1204** -- Driver Licenses -- House Transportation Committee

**\*House Bill No. 1852** -- Criminal Offenses -- House Judiciary Committee

**House Bill No. 1856** -- Adoption -- House Children & Family Affairs Committee

### **CONSENT CALENDAR**

**House Resolution No. 77** -- Memorials, Interns - John B. Scarbrough. by \*Rinks.

**\*House Joint Resolution No. 155** -- Memorials, Congress - Urges enactment of legislation to facilitate rapid review and approval of innovative new drugs, biological products and medical devices, without compromising patient safety or product effectiveness. by \*DeBerry L.

**\*House Joint Resolution No. 213** -- Highway Signs - "W.T. Cutchin Bridge," Obion River and S.R. 88 on S.R. 181. by \*Fitzhugh, \*Cole (Dyer).

**House Joint Resolution No. 272** -- Memorials, Retirement - James W. Jonakin. by \*Hargett, \*Pleasant, \*Haley.

**House Joint Resolution No. 282** -- Memorials, Retirement - Glenda Todd. by \*Lewis, \*Fraleay.

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**House Joint Resolution No. 284** -- Memorials, Sports - Angelo Giansante, TSSAA state wrestling champion. by \*Beavers.

**House Joint Resolution No. 285** -- Memorials, Interns - Brian Roger Carroll. by \*Boyer.

**House Joint Resolution No. 286** -- Memorials, Public Service - Celia Ambrester. by \*Cross, \*Goins.

**House Joint Resolution No. 289** -- Memorials, Professional Achievement - Doyle Gaines, Tennessee Retired Educator of the Year. by \*Winningham, \*Buck.

**House Joint Resolution No. 290** -- Memorials, Retirement - Judge H. Ted Milburn. by \*McAfee, \*Wood, \*Stulce, \*Sharp, \*Turner (Hamilton), \*Brown.

**House Joint Resolution No. 291** -- Memorials, Academic Achievement - Brandi Fox, Valedictorian, Horace Maynard High School. by \*Goins.

**House Joint Resolution No. 292** -- Memorials, Academic Achievement - Heather Campbell, Valedictorian, Horace Maynard High School. by \*Goins.

**House Joint Resolution No. 293** -- Memorials, Academic Achievement - Andi Johnson, Valedictorian, Horace Maynard High School. by \*Goins.

**House Joint Resolution No. 294** -- Memorials, Academic Achievement - Amanda Loy, Valedictorian, Horace Maynard High School. by \*Goins.

**House Joint Resolution No. 295** -- Memorials, Academic Achievement - Paul Merritt, Valedictorian, Horace Maynard High School. by \*Goins.

**House Joint Resolution No. 296** -- Memorials, Personal Achievement - Leon and Joyce Biles, Gold Pyramid Award nominees. by \*Armstrong.

**House Joint Resolution No. 297** -- Memorials, Public Service - John T. Williams. by \*Scroggs, \*Kent, \*Hassell, \*Haley, \*Hargett, \*Pleasant.

**\*Senate Joint Resolution No. 129** -- Highway Signs - "Lee-Steedman Bridge," S.R. 255 (Harding Place) at I-65, Davidson County. by \*Henry, \*Rochelle.

**Senate Joint Resolution No. 252** -- Memorials, Academic Achievement - Shanna Harris, Valedictorian, Greenbrier High School. by \*Graves.

**Senate Joint Resolution No. 253** -- Memorials, Public Service - Carolyn Lea Wilson and students of Family and Consumer Science Class at E.B. Wilson High School. by \*Graves, \*Carter.

**Senate Joint Resolution No. 254** -- Memorials, Academic Achievement - Christina King, Salutatorian, Greenbrier High School. by \*Graves.

**Senate Joint Resolution No. 255** -- Memorials, Academic Achievement - Natalie Ann Kilgore, Valedictorian, Greenbrier High School. by \*Graves.

**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

**House Joint Resolution No. 286:** by Rep. Cross

Under the rules, House Joint Resolution No: 286 was/were placed at the foot of the calendar for May 15, 1997.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**House Bill No. 761** -- Pardons and Paroles - Requires governor to notify speaker of senate and house and chair of respective judiciary committees of number and conviction offense of all sexual offenders for which Tennessee is receiving state under compact for out-of-state probation and parole supervision Amends TCA Title 40, Chapter 35 and Title 40, Chapter 28. by \*Jackson, \*Hargett. (\*SB1366 by \*Rochelle)

Further consideration of House Bill No. 761, previously considered on May 7, 1997, and reset to today's Calendar.

Rep. Jackson moved that House Bill No. 761 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 761 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 28, Part 4, is amended by adding the following as a new section:

Section \_\_\_\_.

(a) As used in this section "sexual offense" has the same meaning as defined in Tennessee Code Annotated, Section 40-39-102(3).

(b) Applicants from a sending state who have been convicted of a sexual offense shall be required to enroll, at the offender's expense, in a sex offender treatment program within thirty (30) days of arrival in Tennessee. If no appropriate treatment program is available in the county or adjacent counties in which the applicant plans to reside, the application will be denied. However, the offender will be considered if such offender:

(1) completes such a program in the sending state prior to acceptance into the State of Tennessee;

(2) can provide documentation of such treatment; and

(3) meets all other criteria for acceptance.

Sex offenders who have completed a treatment program will be required to participate in an aftercare program while under supervision.

(c) Offenders whose sexual offense was reduced by virtue of a plea agreement shall be treated as a sex offender for treatment and supervision purposes.

(d) Sexual offenders shall be required to provide, at the offender's expense, a DNA sample to the Tennessee Bureau of Investigation.

(e) Sexual offenders shall be subject to electronic monitoring.



(f) Offenders with sexual offenses in their criminal history shall be treated as sexual offenders for treatment, tracking, and supervision purposes.

(g) Any sexual offender present in the receiving state prior to approval will be automatically denied.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Jackson moved that **House Bill No. 761**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 760** -- Pardons and Paroles - Requires governor to notify speakers of senate and house and chairs of respective judiciary committees of conviction offense of felons residing in Tennessee under compact for out-of-state probation and parole supervision and sending state of such felons. Amends TCA Title 40, Chapter 28. by \*Jackson, \*Hargett. (\*SB1365 by \*Rochelle)

Further consideration of House Bill No. 760, previously considered on May 7, 1997, and reset to today's Calendar.

Rep. Jackson moved that House Bill No. 760 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 760 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 28, Part 4 is amended by adding the following as a new section:

Section \_\_\_\_\_. Applicants from a sending state who have been convicted of any type of homicide, aggravated assault, or any offense involving domestic violence shall be required to enroll, at the offender's expense, in a mental health program to address violent behavior within thirty (30) days of arrival in Tennessee. If no appropriate treatment program is available in the county or adjacent counties in which the applicant plans to reside, the application shall be denied. However, the offender will be considered if such offender:

(1) completes such a program in the sending state prior to acceptance into the State of Tennessee;

(2) can provide documentation of such treatment; and

(3) meets all other criteria for acceptance.

Offenders whose violent offense was reduced by virtue of a plea agreement shall be treated as a violent offender for treatment and supervision purposes.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Jackson moved that **House Bill No. 760**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner

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(Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**House Bill No. 801** -- Tennessee Bureau of Investigation - Authorizes TBI to create in TBI Tennessee missing children registry to provide picture of and information about missing children in this state with completed registry to be placed on Internet's Tennessee Home Page. Amends TCA Title 38, Chapter 6. by \*Jackson, \*Cooper B, \*Boner, \*Hassell, \*Scroggs, \*Hargett. (\*SB1457 by \*Rochelle)

Further consideration of House Bill No. 801, previously considered on May 7, 1997, and reset to today's Calendar.

Rep. Jackson moved that House Bill No. 801 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 801 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 6, is amended by adding the following as a new section:

Section \_\_\_\_.

(a) The Tennessee bureau of investigation is authorized to create within the bureau a Missing Children Registry. The registry shall contain pertinent information about, a picture of, and the current status of certain children in this state who have been reported as missing.

(b) The bureau shall have the sole discretion to determine the number of missing children to be placed on the registry, the criteria for placing a child on the registry and the definition of "missing child".

(c) When the Missing Children Registry is complete and in an accessible format, but no later than January 1, 1998, the bureau shall place, maintain and update it on the state of Tennessee's internet home page.

(d) When the Tennessee Internet Criminal Information Center is created within the bureau and becomes operational, the Missing Children Registry shall become a part of such Center.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

**REGULAR CALENDAR, CONTINUED**

Rep. Jackson moved that **House Bill No. 801** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	98
Noes .....	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

Representatives present and not voting were: Turner (Hamilton) -- 1.

A motion to reconsider was tabled.

**House Bill No. 800** -- Tennessee Bureau of Investigation - Authorizes creation of the Tennessee Internet Criminal Information Center in TBI to allow public Internet access to information compiled and maintained by TBI on certain categories of persons Amends TCA Title 38, Chapter 6. by \*Jackson, \*Stamps, \*Godsey, \*Goins, \*Mumpower, \*Cooper B, \*Boner, \*Hassell, \*Scroggs, \*Hargett. (\*SB1449 by \*Rochelle)

Further consideration of House Bill No. 800, previously considered on May 7, 1997, and reset to today's Calendar.

Rep. Jackson moved that House Bill No. 800 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 800 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 6, is amended by adding the following as a new section:

Section \_\_\_\_.

(a). The Tennessee bureau of investigation shall , no later than January 1, 1998, create an office within the bureau to be known as the Tennessee Internet Criminal Information Center (hereinafter TICIC). The purpose of such center is the development, maintenance and updating of an online database, 1-800 Hotline and such other means as are appropriate to provide easily accessible information to members of the public concerning persons of interest to the public safety and welfare.

(b). Upon creation of the TICIC, the bureau shall compile and maintain data-bases consisting of a registry and associated information for the following groups of persons:

(1)(A) **The Out-of-State Parole and Probation Supervision Registry.** This registry shall consist of at least the name and conviction offense of those persons who have been placed on probation or parole in another state but who are residing in Tennessee pursuant to the compact for out-of-state supervision, codified in Tennessee Code Annotated, Title 40, Chapter 28, Part 4.

(B) This registry shall also include a photograph of each probationer or parolee approved for residence in this state under the interstate compact after the effective date of this act;

(2)(A) **The Sexual Offense Registry.** This registry shall consist of all public information regarding persons who are required to complete a TBI sexual offender registration/monitoring form pursuant to Tennessee Code Annotated, Title 40, Chapter 39.

(B) This registry shall also include the registrant's photograph for persons registering pursuant to Tennessee Code Annotated, Title 40, Chapter 39, after the effective date of this act,.

(C) No later than January 1, 1999 this registry shall include the photograph of all persons who are registered pursuant to Tennessee Code Annotated, Title 40, Chapter 39;

(3) **The Tennessee Missing Children Registry.** This registry shall consist of those children who have been placed by the bureau on the Tennessee Missing Children Registry; and

(4) Any other registry, information or database that, in the opinion of the bureau, would be in the interest of the public safety or welfare.

(c) When one or more of the databases comprising the TICIC is complete and in an accessible format, the bureau shall place and maintain each of them on the TICIC's internet home page which shall be accessible through the state of Tennessee's internet home page.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Jackson moved that **House Bill No. 800**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 798** -- Sexual Offenses - Makes information in sexual offender registry public; requires TBI to put such information on Internet; establishes 1-800 telephone service for public to call about sexual offenders and produce CD-ROM containing sexual offender information - Amends TCA Title 40, Chapter 39. by \*Jackson, \*Stamps, \*Godsey, \*Goins, \*Mumpower, \*Cooper B, \*Boner, \*Hassell, \*Scroggs. (\*SB1552 by \*Rochelle)

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Further consideration of House Bill No. 798, previously considered on May 7, 1997, and reset to today's Calendar.

Rep. Jackson moved that House Bill No. 798 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 798 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 39, is amended by adding the following as an appropriately numbered new section:

(a) The general assembly finds and declares that:

(1) Sexual offenders pose a high risk of engaging in further offenses after release from incarceration or commitment, and protection of the public from these offenders is a paramount public interest;

(2) It is a compelling and necessary public interest that the public have information concerning persons convicted of sexual offenses collected pursuant to this chapter to allow members of the public to adequately protect themselves and their children from these persons;

(3) Persons convicted of these sexual offenses have a reduced expectation of privacy because of the public's interest in public safety;

(4) In balancing the offenders' due process and other rights against the interests of public security, the general assembly finds that releasing information about sexual offenders under the circumstances specified in this section will further the primary government interest of protecting vulnerable populations from potential harm;

(5) The registration of sexual offenders and the public release of specified information about sexual offenders will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems that deal with these offenders;

(6) To protect the safety and general welfare of the people of this state, it is necessary to provide for continued registration of sexual offenders and for the public release of

specified information regarding sexual offenders. This policy of authorizing the release of necessary and relevant information about sexual offenders to members of the general public is a means of assuring public protection and shall not be construed as punitive; and

(7) The general assembly also declares, however, that in making information available about certain sexual offenders to the public, it does not intend that the information be used to inflict retribution or additional punishment on any such sexual offender. While the general assembly is aware of the possibility of misuse, it finds that the dangers to the public of nondisclosure far outweigh the risk of possible misuse of the information. The general assembly is further aware of studies in Oregon and Washington indicating that community notification laws and public release of similar information in those states have resulted in little criminal misuse of the information and that the enhancement to public safety has been significant.

(b)

(1) By January 1, 1998, the Tennessee bureau of investigation shall convert the information contained on all sexual offender registration/monitoring forms, verification/monitoring forms and acknowledgment forms compiled and maintained pursuant to this chapter to a format that permits such information to be placed on the Internet and accessed by users of the Internet. The information made available for Internet access shall not include the sexual offender's street address and criminal history other than the specific crimes for which the offender was required to register.

(2) By January 1, 1998, the bureau shall place the information prepared pursuant to subpart (1) of this subsection on the state of Tennessee's internet home page. This information shall become a part of the Tennessee Internet Criminal Information Center when such Center is created within the bureau.

(c)

(1) By January 1, 1998, the Tennessee bureau of investigation shall establish and operate a toll-free "1-800" telephone number, to be known as the "Tennessee Internet Criminal Information Center Hotline", that members of the public may call and inquire whether a named individual is listed among those who have registered as sexual offenders as



required by this chapter. The caller shall furnish his or her first name, middle initial, and last name. The bureau shall ascertain whether a named person reasonably appears to be a person so listed and shall provide the caller with the information contained on the offender's registration/monitoring form, verification/monitoring form and acknowledgment form. Provided, however, the bureau shall not disclose the street address or criminal history of a sexual offender listed, except to disclose the county, city and ZIP Code area in which the offender resides, or if the offender does not reside in a city, the county, rural route and ZIP code area where the offender resides, and to describe the specific crimes for which the registrant was required to register.

(2) The bureau shall require sufficient information to determine whether the named person reasonably appears to be a registered sexual offender.

(3) When the Tennessee Internet Criminal Information Center is created within the bureau and becomes operational, a caller, using the same procedure set out in this subpart, may also make inquiry as to any other information compiled for and maintained in such Center.

(e) The Tennessee bureau of investigation shall have the authority to promulgate any necessary rules to implement and administer the provisions of this section. Such rules shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 2. Tennessee Code Annotated, Section 40-39-103, is amended by inserting the following between the first and second sentences:

A person who is placed on probation or parole in another state for an offense that would be a sexual offense in this state and who is residing in this state pursuant to the Compact for Out-of-State Supervision codified in Tennessee Code Annotated, Title 40, Chapter 28, Part 4, shall be subject to the same registration and monitoring requirements of this chapter as a person placed on probation or parole for a sexual offense in this state.

SECTION 3. Tennessee Code Annotated, Section 40-39-106, is amended by deleting subsection (c) and substituting instead the following:

(c) Except as provided in Section 1 of this act, information contained on sexual offender registration/monitoring forms, verification/monitoring forms, and acknowledgment forms shall be public information, and such information shall be open for inspection by members of the public as provided in Section 1 of this act.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it and shall apply to all information made public by the provisions of this act that is in the possession of the Tennessee bureau of investigation on this act's effective date as well as any such information received and maintained by the bureau after its effective date.

Rep. Burchett moved the previous question on Amendment No. 1, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Jackson moved that **House Bill No. 798**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes .....	1
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Turner (Shelby) -- 1.

Representatives present and not voting were: Turner (Hamilton) -- 1.

A motion to reconsider was tabled.

**House Bill No. 757** -- Sexual Offenses - Requires probationer or parolee convicted of certain sexual offenses applying for transfer of supervision to this state under interstate compact for parole and probation supervision to provide TBI with biological specimen for DNA analysis prior to approval of application Amends TCA Title 40, Chapter 28. by \*Jackson, \*Kent, \*Cole (Carter), \*Hargett. (\*SB1369 by \*Rochelle)

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Further consideration of House Bill No. 757, previously considered on May 7, 1997, at which time it was objected to on the Consent Calendar, and reset to today's Calendar.

On motion, House Bill No. 757 was made to conform with **Senate Bill No. 1369**; the Senate Bill was substituted for the House Bill.

Rep. Jackson moved that Senate Bill No. 1369 be passed on third and final consideration.

Rep. Boyer moved the previous question, which motion prevailed.

Rep. Jackson moved that **Senate Bill No. 1369** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	93
Noes .....	0
Present and not voting.....	5

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 93.

Representatives present and not voting were: Chumney, Kernell, Towns, Turner (Hamilton), Turner (Shelby) -- 5.

A motion to reconsider was tabled.

**House Bill No. 758** -- Pardons and Paroles - Defines "family" for purposes of Tennessee being receiving state under interstate compact for out-of-state parole and probation supervision; requires family member with whom probationer or parolee to reside to be resident of Tennessee for three years; requires probationer or parolee to reside with family member at least one year; requires application of transfer of supervision to this state be denied if probationer or parolee residing in this state prior to approval of application by this state. - Amends TCA Title 40, Chapter 28. by \*Jackson, \*Kent, \*Cole (Carter), \*Hargett. (\*SB1368 by \*Rochelle)

Further consideration of House Bill No. 758, previously considered on May 7, 1997, at which time it was objected to on the Consent Calendar, and reset to today's Calendar.

On motion, House Bill No. 758 was made to conform with **Senate Bill No. 1368**; the Senate Bill was substituted for the House Bill.

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Rep. Jackson moved that **Senate Bill No. 1368** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	99
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**House Bill No. 799** -- Sexual Offenses - Requires person who is accessory before or after fact to or who facilitates commission of named sexual offense to register under Sexual Offender Registration and Monitoring Act. - Amends TCA Title 40, Chapter 39, Part 1. by \*Jackson, \*Stamps, \*Godsey, \*Goins, \*Mumpower, \*Kent, \*Cole (Carter), \*Cooper B, \*Boner, \*Hassell, \*Scroggs, \*Hargett. (\*SB1465 by \*Rochelle)

Further consideration of House Bill No. 799, previously considered on May 7, 1997, at which time it was objected to on the Consent Calendar, and reset to today's Regular Calendar.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**REGULAR CALENDAR, CONTINUED**

Rep. Jackson moved that **House Bill No. 799** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes.....	0
Present and not voting.....	1

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wunningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Turner (Hamilton) -- 1.

A motion to reconsider was tabled.

### JOURNAL CORRECTION

Rep. Hargrove moved that Senate Bill No. 1281, rather than Senate Bill No. 281, be held on the Clerk's Desk pending third consideration of the companion House Bill. Rep. Hargrove further moved that this correction be reflected in the House Journal for this day under the order of business, "Senate Bills Transmitted".

### REGULAR CALENDAR, CONTINUED

**\*House Bill No. 392** -- Workers' Compensation - Requires all subcontractors and employers in construction industry to carry workers' compensation insurance without regard to five employee threshold. Amends TCA Title 50, Chapter 6. by \*Williams (Williamson), \*Bowers. (SB800 by \*Person)

Further consideration of House Bill No. 392, previously considered on May 7, 1997, and reset to today's Calendar.

On motion, House Bill No. 392 was made to conform with **Senate Bill No. 800**; the Senate Bill was substituted for the House Bill.

Rep. Williams moved that Senate Bill No. 800 be passed on third and final consideration.

Rep. Givens moved adoption of Amendment No. 1 as follows:

#### Amendment No. 1

AMEND Senate Bill No. 800 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

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Section \_\_\_\_\_. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
6,700	6,950
44,500	45,000

On motion, Amendment No. 1 was adopted.

Rep. McDaniel moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Williams moved that **Senate Bill No. 800**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	69
Noes .....	23
Present and not voting .....	5

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, DeBerry J., DeBerry L., Dunn, Eckles, Ford, Fraley, Godsey, Haley, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McMillan, Miller, Newton, Odom, Patton, Phelan, Phillips, Pleasant, Pruitt, Rinks, Ritchie, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), West, White, Williams, Wood, Mr. Speaker Naifeh -- 69.

Representatives voting no were: Buck, Cross, Curtiss, Davidson, Davis, Ferguson, Fitzhugh, Fowlkes, Goins, Gunnels, Halteman-Harwell, Lewis, Maddox, McDonald, McKee, Rhinehart, Ridgeway, Roach, Towns, Walker, Walley, Windle, Winningham -- 23.

Representatives present and not voting were: Givens, Mumpower, Pinion, Tidwell, Westmoreland -- 5.

A motion to reconsider was tabled.

**\*Senate Bill No. 510** -- Probation - Establishes standards for private contractors who supervise misdemeanor probationers - Amends TCA Section 40-35-302. by \*Springer, \*Crutchfield. (HB437 by \*Fowlkes)

Further consideration of Senate Bill No. 510, previously considered on May 8, 1997, at which time the Senate Bill was substituted for the House Bill and the House adopted Amendment No. 2, and reset to today's Calendar. The House is on the motion to adopt Amendment No. 3.

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Rep. Fowlkes moved that Senate Bill No. 510, as amended, be passed on third and final consideration.

Rep. Fowlkes moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Fowlkes moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND Senate Bill No. 510 by deleting item (5) of subdivision (g)(5) of the amendatory language in Section 1, as amended, and substituting the following:

(5) Contributions, if any, to the criminal injuries fund.

On motion, Amendment No. 4 was adopted.

Rep. Sands moved adoption of Amendment No. 5 as follows:

**Amendment No. 5**

AMEND Senate Bill No. 510 by adding the following new subsection to the end of Section 1, as amended:

( ) The provisions of this section shall not be construed to amend or abridge any contract or operating agreement between any court or county government and any agency or individual presently supplying such services to such court or county government pursuant to this chapter.

On motion, Amendment No. 5 was adopted.

Rep. Lewis moved adoption of Amendment No. 6 as follows:

**Amendment No. 6**

AMEND Senate Bill No. 510 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

nor more than

13,100  
40,200

13,370  
40,500

On motion, Amendment No. 6 was adopted.

Rep. Fowlkes requested that Senate Bill No. 510 be moved down 3 places on the Calendar.

**\*House Bill No. 1803** -- Surplus Property - Rewrites surplus property disposition procedures; increases certain monetary limits for fair market values, annual rentals and minimum bonding amounts regarding administration and disposition of state property. Amends TCA Section 4-15-102(f)(2); Section 12-4-201 and Title 12, Chapter 2. Repeals TCA Section 29-17-1203. by \*McKee, \*McDaniel, \*Davis R. (SB1936 by \*McNally, \*Atchley, \*Jordan, \*Koella, \*Ramsey, \*Carter, \*Elsea, \*Person, \*Leatherwood, \*Crowe)

Further consideration of House Bill No. 1803, previously considered on May 8, 1997, and reset to today's Calendar.

On motion, House Bill No. 1803 was made to conform with **Senate Bill No. 1936**; the Senate Bill was substituted for the House Bill.

Rep. McKee moved that Senate Bill No. 1936 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. McKee moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1936 by deleting Section 4 in its entirety and by substituting instead:

Tennessee Code Annotated, 12-2-112(a)(9), is amended by deleting the subdivision its entirety and by substituting instead the following:

(9) If property acquired by the department of transportation for a right-of-way through the exercise of eminent domain or otherwise is determined by the commissioner of transportation to be no longer needed by the department of transportation and such excess property is not transferred to another state agency or conveyed to some other legal governmental body as provided in this section, and such excess property is not disposed of in accordance with subsection (a)(8), the excess property shall be disposed of by the department of finance and administration in accordance with the following procedures:

(A) The excess property shall be sold to the former owner at fair market value. If the former owner is no longer a resident of the county in which the property is located, as determined by contacting the local county tax assessor; or the former owner is resident but cannot be located after



reasonable attempts, the excess property shall be sold to any adjoining property owner at fair market value. All funds collected from the sale of the property shall be paid into the highway fund, as provided in subsection (a)(7);

(B) The costs associated with the conveyance of the land, including, but not limited to, the cost of appraising and surveying the property, shall be reimbursed to the state by the purchaser of the property;

(C) Any such conveyance of the property, made pursuant to this subsection, shall be subject to approval in advance by the state building commission;

(D) If the former owner or the adjoining property owner is unable or unwilling to purchase the excess property at fair market value, then the excess property may be disposed of in accordance with existing statutes; and

(E) For the purposes of this subsection, the fair market value of the excess property shall initially be determined by the state through procedures established by the state building commission. If such initial determination of fair market value is deemed unacceptable by the intended purchaser, the fair market value of the excess property shall then be determined by averaging the state's initial determination of fair market value with two (2) additional fair market value appraisals of the excess property. The two (2) additional appraisals shall be performed by two (2) nonassociated appraisers from the locality in which the property is located. The two (2) appraisers shall be mutually agreed upon by the parties to the conveyance; none of the appraisers involved shall have any personal or financial interest in the conveyance.

On motion, Amendment No. 2 was adopted.

Rep. Gunnels moved the previous question, which motion prevailed.

Rep. McKee moved that **Senate Bill No. 1936**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent,

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Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Brooks -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 356** -- Aged Persons - Changes threshold for number of meals served at meal sites in remote locations where elderly cannot attend congregate site on consistent basis to average of 20 congregate and home delivered meals day instead of average of 20 congregate meals a day. Amends TCA Title 71, Chapter 2. by \*White, \*Tidwell, \*Naifeh, \*Walley. (SB332 by \*Springer)

Further consideration of House Bill No. 356, previously considered on May 8, 1997, and reset to today's Calendar.

Rep. White moved that House Bill No. 356 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 356 by deleting the amendatory language of Section 1 and by substituting instead the following:

Section \_\_\_\_\_. (a) Notwithstanding any other provision of law, rule, regulation or policy to the contrary the standards and procedures developed by the commission on aging relative to the nutrition program for older persons operated in accordance with the Older Americans Act shall establish a threshold of a yearly average of twelve (12) congregate meals per day for every site.

(b) The provisions of this section only shall apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
6,000	6,650
9,000	9,250
10,471	10,800
12,700	13,000
13,925	14,000

15,600	15,850
16,700	16,950
21,800	22,100
23,300	23,400
25,300	25,600
35,050	35,070
35,300	35,500
37,500	37,800
54,600	55,000

On motion, Amendment No. 1 was adopted.

Rep. Fitzhugh moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 356 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall apply in any county having a population of not less than twenty-three thousand four hundred fifty (23,450) nor more than twenty-four thousand (24,000) according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 2 was adopted.

Rep. McDaniel moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 356 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
12,700	13,000
23,300	23,400
21,800	22,100

On motion, Amendment No. 3 was adopted.

Rep. White moved that **House Bill No. 356**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes..... 97  
Noes ..... 0  
Present and not voting..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Fowlkes -- 1.

A motion to reconsider was tabled.

**House Bill No. 1015** -- Benton County - Subject to local approval, authorizes severance tax on pulpwood. by \*Tidwell. (\*SB1281 by \*Herron)

Further consideration of House Bill No. 1015, previously considered on May 12, 1997, at which time it was objected to on the Consent Calendar, and reset to today's Regular Calendar.

On motion, House Bill No. 1015 was made to conform with **Senate Bill No. 1281**; the Senate Bill was substituted for the House Bill.

Rep. Tidwell moved that **Senate Bill No. 1281** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 82  
Noes ..... 8  
Present and not voting..... 3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Bone, Boner, Boyer, Brooks, Brown, Buck, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McDaniel, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 82.

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Representatives voting no were: Burchett, Curtiss, Goins, Head, McDonald, McMillan, Walker, Windle -- 8.

Representatives present and not voting were: Bird, Lewis, Ritchie -- 3.

A motion to reconsider was tabled.

**\*Senate Bill No. 510** -- Probation - Establishes standards for private contractors who supervise misdemeanor probationers Amends TCA Section 40-35-302. by \*Springer, \*Crutchfield. (HB437 by \*Fowlkes)

Further consideration of Senate Bill No. 510, previously considered on today's Calendar.

Rep. Fowlkes moved that Senate Bill No(s). 510 be reset for the Regular Calendar on Wednesday, May 21, 1997, which motion prevailed.

**House Bill No. 1362** -- Drugs - Authorizes physicians to prescribe fenfluramine, its salts and isomers, and phentermine for medically accepted purposes Amends TCA Title 39, Chapter 17, Part 4 and Title 63, Chapter 6, Part 2. by \*DeBerry L, \*Bowers, \*Armstrong, \*McDaniel, \*Patton, \*Walley, \*Boyer, \*Clabough, \*DeBerry J, \*Pruitt, \*Davis R, \*Burchett, \*Givens, \*Ford S. (\*SB1343 by \*Cooper, \*Gilbert, \*Koella, \*Atchley, \*Cohen, \*Miller J)

Further consideration of House Bill No. 1362, previously considered on May 12, 1997, at which time it was objected to on the Consent Calendar, and reset to today's Calendar.

On motion, House Bill No. 1362 was made to conform with **Senate Bill No. 1343**; the Senate Bill was substituted for the House Bill.

Rep. L. DeBerry moved that Senate Bill No. 1343 be passed on third and final consideration.

Rep. Burchett moved the previous question, which motion failed by the following vote:

Ayes .....	57
Noes .....	36
Present and not voting .....	1

Representatives voting aye were: Armstrong, Bird, Bittle, Boner, Bowers, Burchett, Clabough, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis, DeBerry J., DeBerry L., Ford, Fraley, Garrett, Givens, Godsey, Gunnels, Hargett, Hargrove, Hicks, Huskey, Jackson, Jones U., Kent, Kerr, Kisber, Langster, McAfee, McDaniel, McKee, Miller, Mumpower, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Stulce, Tidwell,

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Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Winningham -- 57.

Representatives voting no were: Arriola, Beavers, Bone, Brooks, Brown, Buck, Caldwell, Chumney, Cross, Davidson, Dunn, Eckles, Ferguson, Fitzhugh, Fowlkes, Goins, Halteman-Harwell, Hassell, Head, Hood, Jones S., Lewis, Maddox, McDonald, McMillan, Newton, Odom, Rhinehart, Ridgeway, Ritchie, Scroggs, Stamps, Towns, Walker, Windle, Wood -- 36.

Representatives present and not voting were: Kernell -- 1.

Rep. Bowers moved the previous question, which motion failed by the following vote:

Ayes .....	61
Noes .....	32
Present and not voting .....	1

Representatives voting aye were: Armstrong, Bird, Bittle, Boner, Bowers, Boyer, Buck, Burchett, Clabough, Cole (Carter), Cole (Dyer), Cooper, Davis, DeBerry J., DeBerry L., Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Gunnels, Haley, Hargrove, Hicks, Huskey, Jones U., Kent, Kerr, Kisber, Langster, McAfee, McDaniel, McKee, McMillan, Miller, Mumpower, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Sharp, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Winningham, Wood -- 61.

Representatives voting no were: Arriola, Beavers, Bone, Brooks, Brown, Caldwell, Chumney, Cross, Curtiss, Davidson, Dunn, Eckles, Ferguson, Goins, Halteman-Hassell, Hassell, Head, Hood, Jones S., Lewis, Maddox, McDonald, Odom, Rhinehart, Ridgeway, Ritchie, Scroggs, Stamps, Towns, Turner (Shelby), Windle -- 32.

Representatives present and not voting were: Kernell -- 1.

Rep. Rhinehart moved the previous question, which motion prevailed by the following vote:

Ayes .....	88
Noes .....	8
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Maddox, McAfee, McDaniel, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton),

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Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 88.

Representatives voting no were: Beavers, Bone, Brooks, Brown, Chumney, Lewis, McDonald, Ritchie -- 8.

Representatives present and not voting were: Kernell, Odom -- 2.

Rep. L. DeBerry moved that **Senate Bill No. 1343** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	76
Noes.....	22
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Boner, Bowers, Boyer, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davis, DeBerry J., DeBerry L., Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Hicks, Huskey, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, McAfee, McDaniel, McKee, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Beavers, Bone, Brooks, Buck, Chumney, Davidson, Dunn, Eckles, Goins, Head, Hood, Kernell, Lewis, Maddox, McDonald, McMillan, Rhinehart, Ridgeway, Ritchie, Sands, West, Westmoreland -- 22.

Representatives present and not voting were: Brown -- 1.

A motion to reconsider was tabled.

**House Bill No. 1470** -- Election Laws - Permits county election commission to have paper ballots counted by central absentee counting board. Amends TCA Section 2-7-131. by \*Jones U (Shelby), \*DeBerry J, \*Turner (Shelby), \*Cooper B, \*Towns, \*Brooks. (\*SB886 by \*Dixon)

Further consideration of House Bill No. 1470, previously considered on May 12, 1997, at which time it was objected to on the Consent Calendar, and reset to today's Calendar.

On motion, House Bill No. 1470 was made to conform with **Senate Bill No. 886**; the Senate Bill was substituted for the House Bill.

Rep. U. Jones moved that **Senate Bill No. 886** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wittingham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 1633** -- Textbooks - Directs textbook commission, in recommending social studies and history textbooks, to strive to recommend textbooks which accurately and comprehensively portray full range of diversity and achievement of racial and ethnic minorities. Amends TCA Section 49-6-2202. by \*DeBerry J., \*Armstrong, \*Pruitt, \*Towns, \*Jones U (Shelby), \*Miller L, \*Cooper B, \*Turner (Shelby), \*Bowers, \*DeBerry L, \*Brooks. (\*SB1645 by \*Ford J, \*Dixon)

Further consideration of House Bill No. 1633, previously considered on May 12, 1997, at which time it was objected to on the Consent Calendar, and reset to today's Calendar.

On motion, House Bill No. 1633 was made to conform with **Senate Bill No. 1645**; the Senate Bill was substituted for the House Bill.

Rep. J. DeBerry moved that Senate Bill No. 1645 be passed on third and final consideration.

Rep. Dunn moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1645 by deleting the period at the end of the amendatory language of Section 1 and adding the following language:

as well as the role and importance of religion in history.

On motion, Amendment No. 1 was adopted.

Rep. J. DeBerry moved that **Senate Bill No. 1645**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:



Ayes.....97  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 1719** -- Election Laws - Revises procedure for removing and restoring right to vote where voter moves without notifying county; process for transfer of voter registration; periods voters may register; grounds for challenging voter. Amends TCA Sections 2-2-106; 2-2-109; 2-2-129; 2-2-130; 2-6-109; 2-6-112; 2-7-112; 2-7-115 and 2-7-124. by \*Hargrove. (\*SB1772 by \*Rochelle)

Further consideration of House Bill No. 1719, previously considered on May 12, 1997, at which time it was objected to on the Consent Calendar, and reset to today's Calendar.

Rep. Hargrove moved that **House Bill No. 1719** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....97  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to yes on House Bill No. 1719 and have this statement entered in the Journal: Rep(s). U. Jones and Miller.

REGULAR CALENDAR, CONTINUED

**House Bill No. 1484** -- Mortgages - Mortgages - Makes Fannie Mae an authorized lender under Home Equity Conversion Mortgage Act. Amends TCA Title 47, Chapter 30. by \*Kisber. (\*SB768 by \*Atchley)

On motion, House Bill No. 1484 was made to conform with **Senate Bill No. 768**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill 768 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill 768** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**House Bill No. 1397** -- Sports - Permits mayor rather than council to appoint sports authority members in certain municipalities; establishes sales tax allocation for AA or higher baseball affiliate to finance project of sports authority. Amends TCA Title 7, Chapter 67 and Section 67-6-103. by \*Kisber, \*McDaniel. (\*SB1635 by \*Carter)

On motion, House Bill No. 1397 was made to conform with **Senate Bill No. 1635**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 1635 be passed on third and final consideration.

On motion, Rep. Head withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. Kisber moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1635 deleting Section 2 in its entirety and by substituting instead the following language:

SECTION 2. Tennessee Code Annotated, Section 67-6-103(d)(1)(A), is amended by adding the following language as a new second sentence:

Notwithstanding the allocations provided for in subsection (a), if a new franchise for a minor league affiliate of a major league baseball team (American or National League) playing at the Class AA level or higher locates in a municipality in this state and if such municipality constructs a new stadium for such new franchise, then at such time as the new franchise begins operating within such stadium, and for a period of thirty (30) years thereafter, an amount shall be apportioned and distributed to the entity that is responsible for retirement of the debt on and maintenance of the stadium in such municipality equal to the amount of state and local tax revenue derived from the sale of admissions to games of the professional sports franchise and also the sale of food and drink sold on the premises of the new stadium used in conjunction with those games, parking charges, and related services, as well as the sale by such professional sports franchise, within the county in which the games take place, of authorized franchise goods and products associated with its operations as a professional sports franchise.

On motion, Amendment No. 2 was adopted by the following vote:

Ayes .....	60
Noes .....	28
Present and not voting .....	2

Representatives voting aye were: Bone, Boner, Bowers, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Davidson, DeBerry L., Eckles, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones U., Kent, Kisber, Langster, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Sands, Sargent, Scroggs, Stamps, Tidwell, Turner (Hamilton), Turner (Shelby), Walley, West, White, Whitson, Williams, Winningham, Mr. Speaker Naifeh -- 60.

**WEDNESDAY, MAY 14, 1997 -- FORTY-SECOND LEGISLATIVE DAY**

Representatives voting no were: Armstrong, Arriola, Beavers, Bird, Bittle, Boyer, Brown, Clabough, Cross, Curtiss, Dunn, Ferguson, Godsey, Goins, Kerr, Lewis, Maddox, McAfee, Ridgeway, Ritchie, Sharp, Stulce, Tindell, Towns, Walker, Westmoreland, Windle, Wood -- 28.

Representatives present and not voting were: Brooks, Odom -- 2.

Rep. Ridgeway moved the previous question, which motion prevailed.

Rep. Kisber moved that **Senate Bill No. 1635**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	73
Noes .....	17
Present and not voting .....	6

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Fitzhugh, Fowlkes, Fraley, Garrett, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones U., Kent, Kernell, Kisber, Langster, Maddox, McAfee, McDaniel, McKee, McMillan, Miller, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Tidwell, Turner (Shelby), Walker, Walley, West, White, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 73.

Representatives voting no were: Beavers, Brooks, Brown, Cross, Dunn, Ferguson, Givens, Godsey, Goins, Kerr, Mumpower, Patton, Stulce, Turner (Hamilton), Westmoreland, Whitson, Wood -- 17.

Representatives present and not voting were: Ford, Jones S., Lewis, McDonald, Ritchie, Tindell -- 6.

A motion to reconsider was tabled.

**House Bill No. 850** -- Traffic Safety - Excuses driver from use of child passenger restraint system if use of system makes injury to child likely. Amends TCA Title 55, Chapter 9, Part 6. by \*Kisber. (\*SB1463 by \*Cooper)

Rep. Kisber moved that House Bill No(s). 850 be reset for the Regular Calendar on Wednesday, May 28, 1997, which motion prevailed.

**House Bill No. 872** -- Election Laws - Imposes personal liability on treasurer of multicandidate PACs for registry penalties. Amends TCA Title 2, Chapter 10. by \*Kisber. (\*SB1337 by \*Cooper)

Rep. Kisber moved that **House Bill No. 872** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97  
Noes ..... 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives voting no were: Cooper, Towns -- 2.

A motion to reconsider was tabled.

**House Bill No. 1234** -- Boards and Commissions - Increases from \$50.00 to \$75.00 per diem for nonpublic official TACIR members. Amends TCA Title 4, Chapter 10. by \*Kisber. (\*SB824 by \*Rochelle)

Rep. Kisber moved that House Bill No. 1234 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1234 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

Section 1. Tennessee Code Annotated, Section 4-10-103, is amended by deleting the present language entirely and substituting instead the following:

(a) Beginning July 1, 1997, the commission shall be composed of the following twenty-five (25) members; provided however, that the membership may exceed this number until the appropriate terms of office have expired as provided herein:

(1) the chair of the senate finance, ways and means committee;

(2) the chair of the house finance ways and means committee;

(3) four (4) state senators appointed by the speaker of the senate;

(4) four (4) state representatives appointed by the speaker of the house of representatives;

(5) four (4) elected municipal officials;

(6) four (4) elected county officials;

(7) two (2) executive branch members, one of whom may be the commissioner of finance and administration, each appointed by the governor;

(8) two (2) private citizens, each appointed by the governor;

(9) one (1) elected representative of the Tennessee development district association;

(10) one (1) elected representative of the county officials association of Tennessee, appointed by the governor; and

(11) the comptroller of the treasury.

(b) Members currently holding appointments on the commission shall serve their full terms. As vacancies occur, new appointments shall be filled by the speaker of the senate and the speaker of the house by alternating appointments until each speaker has made three (3) non-legislative appointments for a maximum of seven (7) appointments. Thereafter, appointments shall alternate among the governor, the speaker of the senate and the speaker of the house, respectively, provided that none of the aforementioned appointing authorities shall exceed the number of appointments as provided herein. And, further provided, that the next three (3) vacancies in the category of private citizen shall not be filled, thereby reducing the total number of private citizens serving on the commission to two (2). Total membership may exceed twenty-five (25) members until the necessary vacancies occur in the private citizen category.

(c) The chair and vice chair of the commission shall be elected by the members of the commission for two-year terms and may subsequently be re-elected; provided, however, that the chair shall be a member of the general assembly. In the event of the absence or disability of both the chair and vice chair, the members of the commission shall elect a temporary chair by a majority vote of those present and voting.

(d)(1) Members shall be appointed for a term of four (4) years and may be subsequently appointed to additional four-year terms except in these instances where membership is reduced as provided herein. In the case of members of the general assembly, appointments and reappointments shall be consistent with terms of office for the senate and the house of representatives. Members currently holding office are eligible for reappointment for one additional term; provided, however, that those holding positions subject to downsizing shall not be eligible for reappointment.

(2) Should any member cease to be an officer, member or employee of the unit, body or agency such member is appointed to represent, such member's membership on the commission shall terminate immediately and a new member shall be appointed in the same manner as such new member's predecessor.

(e)(1) The members appointed from private life under subsection (a) shall be appointed without regard to political affiliation. Such members shall not hold any public office.

(2) Of each class of local government members appointed, no more than one-half (1/2) shall be from any one (1) political party.

(3) Of each class of legislative members appointed by the speaker of the senate and the speaker of the house of representatives, two (2) shall be from the majority party of their respective houses.

(f) A majority of those currently appointed to the commission shall constitute a quorum.

(g) For each municipal vacancy, the Tennessee municipal league shall submit a list of three (3) elected nominees to the appropriate appointing authority.

(h) For each general county government vacancy, the Tennessee county services association shall submit a list of three (3) elected nominees to the appropriate appointing authority;

(i) For the development district vacancy, the Tennessee development district association shall submit a list of three (3) elected nominees to the appropriate appointing authority; except as provided in (d)(1) herein.

(j) For the county officials vacancy, the county officials association of Tennessee shall submit a list of three (3) elected nominees to the governor.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Brooks moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1234 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. In implementing the provisions of this act, the state shall aggressively seek racial diversity by enlisting ethnic minority participation on all levels. No person shall be excluded from participation in, or be denied the benefits of any program or activity receiving funding as a result of implementation of this act on grounds of race or color.

On motion, Amendment No. 2 was adopted.

Rep. Kisber moved that **House Bill No. 1234**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**House Bill No. 1055** -- Firearms and Ammunition - Changes applicant background investigation from local law enforcement to department of safety; authorizes department to raise fee from \$100 to amount not to exceed \$200 to cover additional duties; requires department to notify sheriff of county where applicant resides of applicant's name and address. Amends TCA Title 39, Chapter 17. by \*Buck, \*Newton, \*Stamps, \*Godsey, \*Mumpower, \*Boner. (\*SB1170 by \*Ramsey, \*Henry, \*McNally)



Rep. Buck moved that House Bill No. 1055 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as amended as follows:

**Amendment No. 1**

AMEND House Bill No. 1055 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting the section in its entirety:

(a) The citizens of this state have a right to keep and bear arms for their common defense; but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime.

(b) Any resident of Tennessee who has reached twenty-one (21) years of age may apply to the department of safety for a handgun carry permit. If the applicant is not prohibited from purchasing or possessing a firearm in this state pursuant to § 39-17-1316 or § 39-17-1307(b), § 18 U.S.C. § 922(g) or any other state or federal law and the applicant otherwise meets all of the requirements of this section, the department shall issue a permit to the applicant.

(c) The application for a permit shall be on a standard form developed by the department. The application shall clearly state in bold face type directly above the signature line that an applicant who, with intent to deceive, makes any false statement on such application is guilty of the felony offense of perjury pursuant to Tennessee Code Annotated, Section 39-16-702. The following are eligibility requirements for obtaining a handgun carry permit and the application shall require the applicant to disclose and confirm compliance with, under oath, the following information concerning the applicant and the eligibility requirements:

- (1) Full legal name and any aliases;
- (2) Addresses for the last five (5) years;
- (3) Date of birth;
- (4) Social security number;
- (5) Physical description (height, weight, race, sex, hair color and eye color);
- (6) That the applicant has not been convicted of a criminal offense punishable for a term exceeding one (1) year;

(7) That the applicant is not currently under indictment or information for any criminal offense punishable by a term exceeding one (1) year;

(8) That the applicant is not currently subject to any order of protection and, if so, the applicant shall provide a copy of such order;

(9) That the applicant is not a fugitive from justice;

(10) That the applicant is not an unlawful user of or addicted to alcohol or any controlled substance and the applicant has not been a patient in a rehabilitation program or hospitalized for alcohol or controlled substance abuse or addiction within ten (10) years from the date of application;

(11) That the applicant has not been convicted of the offense of driving under the influence of an intoxicant in this or any other state three (3) or more times within ten (10) years from the date of application;

(12) That the applicant has not been adjudicated as a mental defective, has not been committed to a mental institution and has not had a court appoint a conservator for the applicant by reason of a mental defect;

(13) That the applicant is not an alien and is not illegally or unlawfully in the United States;

(14) That the applicant has not been discharged from the Armed Forces under dishonorable conditions;

(15) That the applicant has not renounced his or her United States citizenship;

(16) That the applicant has not been convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(33);

(17) That the applicant is not receiving social security disability benefits by reason of alcohol dependence, drug dependence or mental disability; and

(18) That the applicant has not been convicted of the offense of stalking within ten (10) years from the date of application.

(d)(1) In addition to the information required under subsection (c), the applicant shall be required to provide two (2) full sets of classifiable fingerprints at the time the application is filed with the department. Such fingerprints may be taken by the department at the time the application is submitted or the applicant may have such fingerprints taken at any sheriff's office and submit such fingerprints to the department along with the application and other supporting documents. The sheriff may charge a fee not to exceed five dollars (\$ 5.00) for taking the applicant's fingerprints. At the time an applicant's fingerprints are taken either by the department or a sheriff's office, such applicant shall be required to present a photo identification. If the person requesting fingerprinting is not the same person as the person whose picture appears on the photo identification, the department or sheriff shall refuse to take such fingerprints. The department shall also be required to photograph the applicant in a manner that is suitable for use on the permit.

(2) An applicant shall also be required to present a photo identification to the department at the time of filing the application. If the name on the photo identification, name on the application and name on the fingerprint card, if taken by a sheriff, are not the same, the department shall refuse to accept the application. If the person whose picture appears on the photo identification is not the same as the applicant, the department shall refuse to accept the application.

(e) The department shall also require an applicant to submit proof of the successful completion of a department approved handgun safety course. Such course shall include both classroom hours and firing range hours. An applicant shall not be required to comply with the provisions of this subsection if such applicant submits proof to the department that within five (5) years from the date the application for a handgun carry permit is filed the applicant has:

(1) been certified by the peace officer standards and training commission; or

(2) successfully completed training at the law enforcement training academy.

(f) The department shall make applications for permits available for distribution at any location where the department conducts driver license examinations.

(g)(1) Upon receipt of a permit application, the department shall:

(A) Forward two (2) full sets of fingerprints of the applicant to the Tennessee bureau of investigation; and

(B) Send a copy of the application to the sheriff of the county in which the applicant resides.

(2) Within thirty (30) days of receiving an application, the sheriff shall provide the department with any information concerning the truthfulness of the applicant's answers to the eligibility requirements of subsection (c) that is within the knowledge of such sheriff.

(h) Upon receipt of the fingerprints from the department, the Tennessee bureau of investigation shall:

(1) Within thirty (30) days from receipt of the fingerprints, conduct such computer searches to determine the applicant's eligibility for a permit under subsection (c) of this section as are available to the bureau based solely upon the applicant's name, date of birth and social security number and send the results of such searches to the department;

(2) Conduct a criminal history record check based upon one (1) set of the fingerprints received and send the results to the department; and

(3) Send one (1) set of the fingerprints received from the department to the federal bureau of investigation, request a federal criminal history record check based upon such fingerprints, as long as such service is available, and send the results of such check to the department.

(i) The department shall deny a permit application if it determines from information contained in the criminal history record checks conducted by the Tennessee and federal bureaus of investigation pursuant to subsection (h) of this section, or from other information that comes to the attention of the department, that the applicant does not meet the eligibility requirements of this section. The department shall not be required to confirm the applicant's eligibility for a permit beyond the information received from the Tennessee and federal bureaus of investigation and the sheriffs, if any.

(j) The department shall not deny a permit application if:

(1) The existence of any arrest or other records concerning the applicant for any indictment, charge or warrant have been judicially or administratively expunged; or

(2) An applicant's conviction has been set aside by a court of competent jurisdiction.

(k) If the department denies an application, the department shall notify the applicant in writing within ten (10) days of such denial. The written notice shall state the specific factual basis for the denial. It shall include a copy of any reports, records and/or inquiries reviewed or relied upon by the department.

(l) The department shall issue a permit to an applicant not prohibited from obtaining a permit under this section no later than ninety (90) days after the date the department receives the application. A permit issued prior to the department's receipt of the Tennessee and federal bureau of investigation's criminal history record checks based upon the applicant's fingerprints shall be subject to immediate revocation if either such record check reveals that the applicant is not eligible for a permit pursuant to the provisions of this section.

(m) A permit holder shall not be required to complete a handgun safety course to maintain or renew a handgun carry permit. No permit holder shall be required to complete any additional handgun safety course after obtaining a handgun carry permit.

(n) A permit issued pursuant to this section shall be good for four (4) years and shall entitle the permit holder to carry any handgun(s) which the permit holder legally owns or possesses. The permit holder shall have the permit in the holder's immediate possession at all times when carrying a handgun and shall display the permit on demand of a law enforcement officer.

(o) The permit shall be issued on a wallet-sized laminated card of the same approximate size as is used by the state of Tennessee for driver licenses and shall contain only the following information concerning the permit holder:

(1) The permit holder's name, address, date of birth and social security number;

(2) A description of the permit holder by sex, height, weight and eye color;

(3) A color photograph of the permit holder; and

(4) The permit number and expiration date.

(p)

(1) The department shall charge an application and processing fee of one hundred fifteen dollars (\$115). Such fee shall cover all aspects of processing the application and issuing a permit. In addition to any other portion of the permit

application fee that goes to the Tennessee bureau of investigation, fifteen dollars (\$15.00) of such fee shall go to the bureau for the sole purpose of updating and maintaining its fingerprint criminal history data base. On an annual basis the comptroller of the treasury shall audit the bureau to ensure that such extra fifteen dollars (\$15.00) received from each handgun permit application fee is being used exclusively for the purpose set forth in this subsection. By February 1 of each year the bureau shall provide documentation to the Senate and House Judiciary Committees that such extra fifteen dollars (\$15.00) is being used exclusively for the intended purposes. Such documentation shall state in detail how the money earmarked for fingerprint data base updating and maintenance was spent, the number and job descriptions of any employees hired and the type and purpose of any equipment purchased.

(2) The provisions of this subsection shall not take effect if the general appropriation act provides a specific appropriation in the amount of two hundred fifty thousand dollars (\$250,000), to defray the expenses contemplated in subdivision (p)(1). If such appropriation is not included in the general appropriations act, the provisions of this subsection shall take effect on July 1, 1997, the public welfare requiring it.

(q) Prior to the expiration of a permit, a permit holder may apply to the department for the renewal of such permit by submitting, under oath, a renewal application with a renewal fee of fifty dollars (\$50.00). The renewal application shall be on a standard form developed by the department of safety and shall require the applicant to disclose, under oath, the information concerning the applicant as set forth in subsection (c), and shall require the applicant to certify that such applicant still satisfies all the eligibility requirements of this section for the issuance of a permit. In the event the permit expires prior to the department's approval or issuance of notice of denial regarding such renewal application, the permit holder shall be entitled to continue to use the expired permit; provided, that the permit holder shall also be required to prove by displaying a receipt for the renewal application fee that the renewal application was delivered to the department prior to the expiration date of the permit.

(r)

(1) A handgun permit or license issued in a state that is contiguous to this state shall be valid in this state according to its terms if:

(A) The statute establishing the permit or licensing procedure in the contiguous issuing state specifically provides that permits or licenses issued in other states are valid in such issuing state; and

(B) The eligibility requirements for obtaining a handgun permit or license in such issuing state are substantially similar to the eligibility requirements in this state.

(2) The commissioner of safety shall be the sole judge of whether the eligibility requirements in a contiguous state are substantially similar to the requirements in this state. The department shall maintain a list of the contiguous states that meet the reciprocity requirements of this subsection. Such list shall be available to anyone upon request.

(s)

(1) The department shall make available, on request and payment of a reasonable fee to cover the costs of copying, a statistical report that includes the number of permits issued, denied, revoked, or suspended by the department during the preceding month, listed by age, gender, race and zip code of the applicant or permit holder and the reason for any permit revocation or suspension. By January 1 of each year, a copy of such statistical reports for the preceding calendar year shall be provided to each member of the general assembly.

(2)

(A) The department shall maintain statistics related to responses by law enforcement agencies to incidents in which a person who has a permit to carry a handgun under this section is arrested and booked for any offense.

(B) The department by rule promulgated pursuant to Tennessee Code Annotated, Title 4, Chapter 5 shall adopt procedures for state and local law enforcement officials to report the information required by subpart (A) to the department.

(t) Any law enforcement officer of this state or of any county or municipality may, within the realm of the officer's lawful jurisdiction and when the officer is acting in the lawful discharge of the officer's official duties, disarm a permit holder at any time when the officer reasonably believes it is necessary for the protection of the

permit holder, officer or other individual(s). The officer shall return the handgun to the permit holder before discharging the permit holder from the scene when the officer has determined that the permit holder is not a threat to the officer, to the permit holder, or other individual(s) provided that the permit holder has not violated any provision of this section and provided the permit holder has not committed any other violation that results in the arrest of the permit holder.

(u) Substantial compliance with the requirements of this section shall provide the department and any political subdivision thereof with immunity from civil liability alleging liability for issuance of the permit.

(v) All handgun carry permit applications properly filed according to the procedure in effect immediately prior to the effective date of this act shall be subject to and governed by the procedure established by this act. Within thirty (30) days from the effective date of this act, the department shall issue a handgun carry permit, subject to later suspension or revocation as provided in § 39-17-1352, to all applicants whose:

(1) Applications were properly filed under the permit procedure in effect immediately prior to the effective date of this act;

(2) Applications have been pending for at least ninety (90) days; and

(3) Criminal history record check results conducted by the Tennessee bureau of investigation based solely upon the applicant's name, date of birth and social security number have been returned to and are in the possession of the department.

SECTION 2. Tennessee Code Annotated, Section 39-17-1352, is amended by deleting the section in its entirety and substituting instead the following

(a) The department shall suspend or revoke a handgun permit upon a showing by its records or other sufficient evidence that the permit holder:

(1) Is prohibited from purchasing a handgun under applicable state or federal law;

(2) Has not accurately disclosed any material information required by § 39-17-1351;



(3) Poses a material likelihood of risk of harm to the public;

(4) Has been arrested for a felony involving the use or attempted use of force, violence or a deadly weapon or a felony drug offense;

(5) Has been convicted of a felony;

(6) Has violated any other provision of §§ 39-17-1351 - 39-17-1360; or

(7) Has at any time committed an act or omission or engaged in a pattern of conduct that would render the permit holder ineligible to apply for or obtain a permit under the eligibility requirements of § 39-17-1351.

(b)

(1) It is an offense for a permit holder to knowingly fail or refuse to surrender to the department a suspended or revoked handgun permit within ten (10) days from the date appearing on the notice of suspension or revocation sent to such permit holder by the department.

(2) A violation of this subsection is a Class A misdemeanor.

(c)

(1) Upon the suspension or revocation of a permit, the department shall send notice of the suspension or revocation to the permit holder and the appropriate local law enforcement officers. Such notice shall state the following:

(A) That the permit has been immediately suspended or revoked;

(B) That the permit holder must surrender the permit to the department within ten (10) days of the date appearing on the notice;

(C) That it is a Class A misdemeanor punishable by up to one (1) year in jail for the permit holder to knowingly fail or refuse to surrender the permit to the department within such ten (10) day period;

(D) That if the permit holder does not surrender the suspended or revoked permit within the ten (10)

day period, a law enforcement officer will be directed to take possession of the permit; and

(D) That the permit holder has thirty (30) days from the date appearing on the notice of suspension or revocation to request a hearing on such suspension or revocation.

(2) If the permit holder fails to surrender the suspended or revoked permit as required by this section, the department shall issue authorization to the appropriate local law enforcement officials and such officials shall promptly and within a reasonable time take possession of the suspended or revoked permit and send it to the department.

(d) The applicant shall have a right to request an administrative hearing pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, or to bring a mandamus action to challenge such suspension or revocation of a permit.

(e)

(1) Any permit holder who, subsequent to the issuance of a permit, is charged with the commission of a felony offense shall surrender such permit to the court having jurisdiction of the case pending a final disposition of the case.

(2) The permit holder may not lawfully carry a handgun during the time the permit is in the possession of the court.

(3) If the permit holder is acquitted on the charge or charges, the permit shall be restored to the holder and the temporary prohibition against the carrying of a handgun shall be lifted.

(4) If the permit holder is convicted of the charge or charges, the permit shall be revoked by the court and such revocation shall be noted in the judgment and minutes of the court. The court shall send the surrendered permit to the department.

(5) If the permit holder is placed on pre-trial diversion or judicial diversion, the permit holder's privilege to lawfully carry a handgun shall be suspended for the length of time the permit holder is subject to the jurisdiction of the court. The court shall send the surrendered permit to the department.

(f)

(1) If a permit holder is convicted of a Class A misdemeanor offense, the permit holder shall surrender the permit to the court having jurisdiction of the case for transmission to the department.

(2) The permit holder shall not be permitted to lawfully carry a handgun or exercise the privileges conferred by the permit for the term of the sentence imposed by the court for the offense or offenses for which the permit holder was convicted.

(g) In order to reinstate a permit suspended pursuant to subsections (e) or (f) of this section, the permit holder shall pay a reinstatement fee of twenty-five dollars (\$25.00) with one-half (1/2) of such fee payable to the department of safety and one-half (1/2) payable to the court that suspended the permit.

(1) Prior to the reinstatement of the permit, the permit holder shall have paid in full all fines, court costs and restitution, if any, required by the sentencing court.

(2) Failure to complete any terms of probation imposed by the court shall be a bar to reinstatement of the permit.

(3) Prior to reissuance of the permit, the department shall verify that the permit holder has complied with all reinstatement requirements of this subsection.

SECTION 3 Tennessee Code Annotated, Section 39-17-1308(a)(2) is amended by deleting the language "§ 39-17-1315" and substituting instead the language "§ 39-17-1315 or § 39-17-1351".

SECTION 4. Tennessee Code Annotated, Section 39-17-1321 is amended by deleting the section in its entirety and substituting instead the following:

(a) Notwithstanding whether a person has a permit issued pursuant to § 39-17-1315 or § 39-17-1351, it is an offense for a person to possess a handgun while under the influence of alcohol or any controlled substance.

(b) Violation of this section is a Class A misdemeanor.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without

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the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1055 by deleting subsection (p)(2) of the amendatory language of SECTION 1 of House Judiciary Committee Amendment # 1 and substituting instead the following:

(2) The provisions of subpart (p)(1) increasing each permit application fee by fifteen dollars (\$15.00) for the purpose of fingerprint data base updating and maintenance shall not take effect if the general appropriation act provides a specific appropriation in the amount of two hundred fifty thousand dollars (\$250,000), to defray the expenses contemplated in subdivision (p)(1). If such appropriation is not included in the general appropriations act, such fifteen dollar (\$15.00) permit fee increase imposed by subpart (p)(1) shall take effect on July 1, 1997, the public welfare requiring it.

FURTHER AMEND by deleting the first sentence of subsection (v) of the amendatory language of SECTION 1 of House Judiciary Committee Amendment # 1 and substituting instead the following:

All handgun carry permit applications properly filed according to the procedure in effect immediately prior to the effective date of this act shall be acted upon by the department in accordance with the procedure established by this subsection.

FURTHER AMEND by deleting SECTION 6 of House Judiciary Committee Amendment # 1 and substituting instead the following:

SECTION 6. Section 1(v) of this act shall take effect upon becoming a law, the public welfare requiring it. All other provisions of this act shall take effect on July 1, 1997, the public welfare requiring it.

FURTHER AMEND by adding the following new SECTION 5 to House Judiciary Committee Amendment # 1 and by renumbering present Sections 5 and 6 as Sections 6 and 7:

SECTION 5. Tennessee Code Annotated, Section 39-17-1358, is amended by deleting subsection (c) and substituting instead the following:

(c) Except as otherwise specifically provided in §§ 39-17-1351 and 39-17-1352, a violation of §§ 39-17-1351--39-17-1360 is a Class B misdemeanor punishable only by a fine not to exceed five hundred dollars (\$500).

On motion, Amendment No. 2 was adopted.

Rep. Buck moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 1055 by deleting subsection (c)(11) of the amendatory language of SECTION 1 as amended by House Judiciary Committee Amendment # 1 and substituting instead the following:

(11) That the applicant has not been convicted of the offense of driving under the influence of an intoxicant in this or any other state two (2) or more times within ten (10) years from the date of the application;

On motion, Amendment No. 3 was adopted.

Rep. Buck requested that House Amendment(s) No(s). 4, 5, 6, 7, 8, 9, 10 and 11 be moved behind Amendment No. 17.

Rep. West moved adoption of Amendment No. 12 as follows:

**Amendment No. 12**

AMEND House Bill No. 1055 by deleting subsection (t) of Section 1, as amended, in its entirety and by substituting instead the following:

(t) A permit issued pursuant to this section shall be good for four (4) years and shall entitle the permit holder to carry any handgun(s) which the permit holder legally owns or possesses. The permit holder shall have the permit in the holder's immediate possession at all times when carrying a handgun and shall display the permit on demand of a law enforcement officer.

Rep. Ritchie moved that Amendment No. 12 be tabled, which motion failed by the following vote:

Ayes..... 13  
Noes ..... 73

Representatives voting aye were: Brooks, Brown, Chumney, Haley, Jackson, Jones S., Lewis, Maddox, McMillan, Ritchie, Scroggs, Stulce, Turner (Hamilton) -- 13.

Representatives voting no were: Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Clabough, Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Hicks, Hood, Jones U., Kernell, Kerr, Langster, McAfee, McDaniel, McDonald, McKee, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sargent, Sharp, Stamps, Tidwell, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 73.

On motion, Amendment No. 12 was adopted.

Rep. West requested that Amendment No. 13 be moved to the heel of the Amendments.

Rep. Bittle moved adoption of Amendment No. 14 as follows:

**Amendment No. 14**

AMEND House Bill No. 1055 by deleting subsection (r) of the amendatory language of SECTION 1 as amended by House Judiciary Committee Amendment # 1 and substituting instead the following:

(r)

(1) A handgun permit or license issued in another state shall be valid in this state according to its terms if:

(A) The statute establishing the permit or licensing procedure in the issuing state specifically provides that permits or licenses issued in other states are valid in such issuing state; and

(B) The eligibility requirements for obtaining a handgun permit or license in such issuing state are substantially similar to the eligibility requirements in this state.

(2) The commissioner of safety shall be the sole judge of whether the eligibility requirements in another state are substantially similar to the requirements in this state. The department shall maintain a list of the states that meet the reciprocity requirements of this subsection. Such list shall be available to anyone upon request.

On motion, Amendment No. 14 was adopted.

Rep. Kernell moved adoption of Amendment No. 15 as follows:

**Amendment No. 15**

AMEND House Bill No. 1055 by deleting Section 1(c)(10) as amended by House Judiciary Committee Amendment No. 1 and by substituting instead the following:

(10) That the applicant is not an unlawful user of or addicted to alcohol or any controlled substance and the applicant has not been an involuntary patient in a rehabilitation program or involuntarily hospitalized for alcohol or controlled substance abuse or addiction within ten (10) years from the date of application or a voluntary patient in a rehabilitation program or voluntarily hospitalized for alcohol or controlled substance abuse or addiction within four (4) years from the date of application;

Rep. Newton moved that Amendment No. 15 be tabled, which motion prevailed.

Rep. Miller moved adoption of Amendment No. 16 as follows:

**Amendment No. 16**

AMEND House Bill No. 1055 by adding at the end of Section 1 (m) the following:

Provided, however, a permit holder may only renew such permit one (1) time before such permit holder is required to obtain recertification to carry a handgun. Such recertification shall require the permit holder to submit a renewal application in the manner required by this section and, unless exempted by subsection (e), submitting proof of the successful completion of a department approved handgun safety course as required by such subsection.

Rep. Burchett moved that Amendment No. 16 be tabled, which motion prevailed by the following vote:

Ayes.....	57
Noes .....	30
Present and not voting.....	1

Representatives voting aye were: Beavers, Bird, Bittle, Bone, Boner, Boyer, Burchett, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, Dunn, Eckles, Ford, Garrett, Godsey, Goins, Haley, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Kent, McDaniel, McDonald, McKee, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Sharp, Stamps, Stulce, Tidwell, Walley, West, Westmoreland, Whitson, Windle, Winningham, Wood - 57.

Representatives voting no were: Armstrong, Arriola, Bowers, Brooks, Brown, Caldwell, Chumney, DeBerry L., Ferguson, Fitzhugh, Fraley, Givens, Hargett, Jones S., Jones U., Kernell, Kerr, Lewis, Maddox, McAfee, Miller, Pleasant, Pruitt, Scroggs, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Williams -- 30.

Representatives present and not voting were: Ritchie -- 1.

Rep. West moved adoption of Amendment No. 17 as follows:

**Amendment No. 17**

AMEND House Bill No. 1055 by deleting the language in Section 2(e)(1), as amended, and by substituting instead the following language:

Any permit holder who, subsequent to the issuance of a permit, is convicted of a felony offense shall have such permit revoked by the court and shall surrender such permit to the court having jurisdiction of the case.

Such revocation shall be noted in the judgment and minutes of the court and the court shall send the surrendered permit to the department. Provided, however, at any hearing on a felony charge, the general sessions or trial judge conducting such hearing shall have the authority to suspend the permit of the person charged with such felony upon a showing of probable cause that continued possession of such permit will result in a risk harm to the public. Such suspension shall remain in effect until disposition of the felony charges against such permit holder.

AND FURTHER AMEND by deleting the language in Section 2(e)(2), as amended, and by substituting instead the following language:

If the permit holder is placed on pre- or post-trial diversion, the permit holder's privilege to lawfully carry a handgun shall be suspended for the length of time the permit holder is subject to the jurisdiction of the court. The court shall send the surrendered permit to the department.

AND FURTHER AMEND by deleting in their entirety in Section 2(e), subdivisions (3), (4), and (5).

AND FURTHER AMEND by adding the following as new subdivision (3) to the amendatory language of Section 2(f):

(3) If the permit holder is placed on pre- or post-trial diversion, the permit holder's privilege to lawfully carry a handgun shall be suspended for the length of time the permit holder is subject to the jurisdiction of the court. The court shall send the surrendered permit to the department.

Rep. Ritchie moved that Amendment No. 17 be tabled, which motion failed by the following vote:



Ayes ..... 16  
Noes ..... 75

Representatives voting aye were: Armstrong, Brown, Caldwell, Dunn, Jackson, Jones S., Maddox, Rhinehart, Ritchie, Sands, Stulce, Tidwell, Tindell, Turner (Hamilton), Winningham, Mr. Speaker Naifeh -- 16.

Representatives voting no were: Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jones U., Kent, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sargent, Scroggs, Sharp, Stamps, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wood -- 75.

Rep. West moved to withdraw Amendment No. 17, which motion prevailed.

Rep. Boyer moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND House Bill No. 1055 by deleting Section 1(c)(12) and by substituting instead the following:

(12) That the applicant has not been adjudicated as a mental defective; has not been committed to or hospitalized in a mental institution; has not had a court appoint a conservator for the applicant by reason of a mental defect; has not been judicially determined to be disabled by reason of mental illness, developmental disability or other mental incapacity; and has not, within seven (7) years from the date of application, been found by a court to pose an immediate substantial likelihood of serious harm, as defined in § 33-6-104, because of mental illness;

On motion, Amendment No. 4 was adopted.

Rep. Newton moved adoption of Amendment No. 5 as follows:

**Amendment No. 5**

AMEND House Bill No. 1055 by deleting the period "." at the end of Section 1(e)(2) and by substituting instead the following:

; or

(3) successfully completed the firearms training course required for armed security officer/guard registration, pursuant to § 62-35-118(b).

On motion, Amendment No. 5 was adopted.

Rep. Newton moved adoption of Amendment No. 6 as follows:

**Amendment No. 6**

AMEND House Bill No. 1055 by deleting from Section 1(s)(1) the words and punctuation "age, gender, race and zip code of the applicant" and by substituting instead the following:

age, gender and zip code of the applicant

On motion, Amendment No. 6 was adopted.

Rep. Buck moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Newton moved adoption of Amendment No. 8 as follows:

**Amendment No. 8**

AMEND House Bill No. 1055 by adding the following at the end of Section 1(r):

If a person with a gun permit from another state decides to become a resident of Tennessee, such person must obtain a Tennessee gun permit. Such permit may be issued based on the person having a permit from another state provided such other state meets the criteria of subdivisions (1) and (2).

On motion, Amendment No. 8 was adopted.

Rep. Newton moved adoption of Amendment No. 9, which motion was immediately withdrawn.

Rep. Newton moved that Amendment No. 9 be withdrawn, which motion prevailed.

Rep. Burchett moved adoption of Amendment No. 10 as follows:

**Amendment No. 10**

AMEND House Bill No. 1055 by deleting Section 2(d) and by substituting instead the following:

(d) The applicant shall have a right to petition the general sessions court of his or her county of residence for judicial review of departmental denial, suspension or revocation of a permit. At any such review by the general sessions court, the department shall be represented by the district attorney general.

On motion, Amendment No. 10 was adopted.

Rep. Buck moved adoption of Amendment No. 11 as follows:

**Amendment No. 11**

AMEND House Bill No. 1055 by redesignating the second Section 2(c)(1)(D) as Section 2(c)(1)(E).

On motion, Amendment No. 11 was adopted.

Rep. Ritchie moved adoption of Amendment No. 18 as follows:

**Amendment No. 18**

AMEND House Bill No. 1055 by adding at the end of Section 1 the following new subsection:

( ) Notwithstanding any other provision of this section to the contrary, the department shall reduce by fifty percent (50%) any fee required for the issuance of an original or renewal permit under this section if the applicant is sixty (60) years of age or older.

Rep. Buck moved that Amendment No. 18 be tabled, which motion prevailed.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Buck moved that **House Bill No. 1055**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Brooks, Cooper, Kernell -- 3.

A motion to reconsider was tabled.

REMARKS

Rep. Kernell asked that the following remarks be spread in the Journal:

The sponsors keep alluding to the intent that "a law-abiding citizen" will get the gun permit. But, someone who checks themselves into a rehabilitation program or hospital voluntarily is then denied a permit, just as if they had two DUIs or had been forced to be hospitalized.

I believe that this is an incentive to avoid treatment because of the penalty of permit loss and therefore is contrary to public safety. A reasonable person who takes a proper action to deal with a problem is therefore denied a permit yet those who have a problem, remaining, are granted one. That is why I am voting against HB 1055.

REGULAR CALENDAR, CONTINUED

**House Bill No. 1913** -- Hospitals and Health Care Facilities - Provides that licensed home health agencies providing long-term care alternatives for special needs populations shall be granted certificates of need on state-wide basis. - Amends TCA Title 68. by \*DeBerry L, \*Bowers. (\*SB1818 by \*Ford J)

On motion, House Bill No. 1913 was made to conform with **Senate Bill No. 1818**; the Senate Bill was substituted for the House Bill.

Rep. L. DeBerry moved that Senate Bill No. 1818 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Health & Human Resources Committee Amendment No. 1.

Rep. L. DeBerry moved that **Senate Bill No. 1818** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley,

West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**\*House Bill No. 475** -- Education - Deletes requirement that any person other than parent or guardian having custody or control of school age children shall cause such children to be enrolled in school. Amends TCA Title 49, Chapter 6. by \*Winningham. (SB777 by \*Burks)

Rep. Winningham moved that House Bill No(s). 475 be reset for the Regular Calendar on Wednesday, May 21, 1997, which motion prevailed.

## MESSAGE CALENDAR

### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Joint Resolution No. 131** -- Highway Signs - "Lindahl Parkway," S.R. 12, Cheatham and Davidson counties. by \*Williams (Williamson), \*Davidson, \*Head.

#### Senate Amendment No. 1

AMEND House Joint Resolution No. 131 by deleting from the first Resolving Clause the language "it's intersection with Briley Parkway (State Route 155) in Davidson County," and placing in lieu thereof the language "the Davidson County Line".

Rep. Williams moved that the House concur in Senate Amendment(s) No(s). 1 to **House Joint Resolution No. 131**, which motion prevailed by the following vote:

Ayes.....	97
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 1052** -- Domestic Violence - Permits court ordered mediation where order of protection in effect or where allegation of domestic violence but order of protection not in effect if victim requests mediation, mediator is certified and advocate for victim may be present Amends TCA Title 36. by \*McMillan, \*Eckles, \*Chumney, \*Turner (Hamilton), \*Pleasant, \*Haley, \*Hargett, \*Patton, \*Ford S, \*Jackson. (\*SB793 by \*Burks, \*Cohen, \*Davis L, \*Dixon, \*Crowe, \*Harper)

Rep. McMillan moved that House Bill No(s). 1052 be reset for the Message Calendar on Thursday, May 15, 1997, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 1495** -- Criminal Offenses - Creates Class B felony offense of arson of a place of worship; enhances vandalism punishment if damage caused to place of worship; increases from \$5,000 to \$50,000 amount of money governor may offer as reward for information concerning criminal offense; and creates "Reward Pool Fund" to permit collection of private donations and gifts to enhance state offered reward. Amends TCA Title 39, Chapter 14, Part 3; Section 39-14-408 and Title 40, Chapter 8, Part 1. by \*Armstrong, \*DeBerry J, \*Pruitt, \*Turner (Shelby), \*Tindell, \*Kisber, \*Brown, \*Dunn, \*Huskey, \*Sargent, \*Ritchie, \*Bowers, \*DeBerry L, \*Chumney, \*McAfee, \*Wood, \*Stulce, \*Head, \*McDaniel, \*Burchett, \*Whitson, \*Sands, \*Brooks, \*Pleasant, \*Boner, \*Naifeh, \*Miller L, \*Hargrove, \*Armstrong, \*Davidson, \*Lewis, \*Stamps, \*Patton, \*Ford S, \*Fitzhugh, \*Buck, \*Ridgeway, \*Maddox, \*Cross, \*Pinion, \*Phillips, \*Cooper B, \*Boyer, \*Hood, \*Kent, \*Cole (Carter), \*McDonald, \*White, \*Jones U (Shelby), \*Turner (Hamilton), \*Eckles, \*Goins, \*Bittle, \*Walley, \*Langster, \*Godsey, \*Mumpower. (\*SB585 by \*Gilbert, \*Atchley, \*Cohen, \*Dixon, \*Crowe, \*Harper, \*Williams, \*Person)

**Senate Amendment No. 1**

AMEND House Bill No. 1495 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, § 39-14-301, is amended by deleting subsection (b) and by substituting instead the following:

(b)(1) Arson is a Class C felony. It is an enhancement factor by which the court may increase a defendant's sentence within the appropriate range that the damage or destruction was caused to a structure, whether temporary or permanent in nature, used as a place of worship.

(2) As used in this subsection, "place of worship" means any structure that is:

(A) Approved, or qualified to be approved, by the state board of equalization for property tax exemption pursuant to Tennessee Code Annotated, Section 67-5-212, based on ownership and use of the structure by a religious institution; and

(B) Utilized on a regular basis by such religious institution as the site of congregational services, rites or activities communally undertaken for the purpose of worship.

Section 2. Tennessee Code Annotated, § 39-14-302, is amended by deleting subsection (b) and by substituting instead the following:

(b)(1) Aggravated arson is a Class A felony. It is an enhancement factor by which the court may increase a defendant's sentence within the appropriate range that the damage or destruction was caused to a structure, whether temporary or permanent in nature, used as a place of worship.

(2) As used in this subsection, "place of worship" means any structure that is:

(A) Approved, or qualified to be approved, by the state board of equalization for property tax exemption pursuant to Tennessee Code Annotated, Section 67-5-212, based on ownership and use of the structure by a religious institution; and

(B) Utilized on a regular basis by such religious institution as the site of congregational services, rites or activities communally undertaken for the purpose of worship.

Section 3. Tennessee Code Annotated, Section 39-14-408, is amended by deleting subsection (c) and by substituting instead the following:

(c)(1) Acts of vandalism are to be valued according to the provisions of §39-11-106(a)(35) and punished as theft under § 39-14-105.

(2) It is an enhancement factor by which the court may increase a defendant's sentence within the appropriate range that the damage or destruction was caused to a structure, whether temporary or permanent in nature, used as a place of worship.

(3) As used in this subsection, "place of worship" means any structure that is:

(A) Approved, or qualified to be approved, by the state board of equalization for property tax exemption pursuant to Tennessee Code Annotated, Section 67-5-212, based on ownership and use of the structure by a religious institution; and

(B) Utilized on a regular basis by such religious institution as the site of congregational services, rites or activities communally undertaken for the purpose of worship.

Section 4. Tennessee Code Annotated, Section 40-8-101, is amended by deleting the section in its entirety and substituting instead the following:

(a) The governor is authorized to offer a reward not to exceed fifty thousand dollars (\$50,000) for information leading to the apprehension, arrest and conviction of a person or persons who have committed, attempted to commit or conspired to commit a criminal offense in this state. The fifty thousand dollar (\$50,000) reward maximum imposed by this section shall apply only to state appropriated funds. The governor may increase the amount of any reward offered by use of funds from the "Reward Pool Fund" created in this part.

(b) When the governor offers a reward pursuant to this section, the governor may place any reasonable conditions upon collection of the reward as the governor deems advisable or necessary.

Section 5. Tennessee Code Annotated, Title 40, Chapter 8, Part 1, is amended by adding the following as a new, appropriately designated section:

The governor is authorized to establish and administer a "Reward Pool Fund" which shall be a special account in the state general fund. All monetary donations or gifts made by private citizens and corporations for the purpose of offering a reward or enhancing a state funded reward offered pursuant to Tennessee Code Annotated, Section 40-8-101, for information leading to the apprehension, arrest and conviction of a person or persons who have committed, attempted to commit or conspired to commit a criminal offense in this state shall be deposited in such fund and invested for the benefit of the fund by the state treasurer pursuant to § 9-4-603. Amounts in the fund shall not revert to the general fund of the state but shall, together with interest income credited to the fund, remain available for expenditure in subsequent fiscal years. The governor shall have the sole discretion to determine if and how much of such fund shall be offered in a particular criminal case. However, if the donor places any lawful restrictions or instructions on use of the donation at the time it is given, such restrictions or instructions shall be honored.



Section 6. This act shall take effect upon becoming a law, the public welfare requiring it.

**Senate Amendment No. 2**

AMEND House Bill No. 1495 by deleting subsection (b)(1) of the amendatory language of SECTION 1 of Senate Amendment # 1 and substituting instead the following:

(b)

(1) Arson is a Class C felony.

(2) Arson of a place of worship is a Class B felony.

FURTHER AMEND by renumbering subsection (b)(2) of the amendatory language of SECTION 1 of Senate Amendment # 1 as subsection (b)(3).

**Senate Amendment No. 4**

AMEND House Bill No. 1495 by adding a section

"No provision of this act shall constitute an appropriation of money"

**Senate Amendment No. 5**

AMEND House Bill No. 1495 by deleting SECTION 4 of Senate Amendment # 1 in its entirety and substituting instead the following:

Section 4. Tennessee Code Annotated, Section 40-8-101, is amended by deleting the section in its entirety and substituting instead the following:

(a) The governor is authorized to offer a reward for information leading to the apprehension, arrest and conviction of a person or persons who have committed, attempted to commit or conspired to commit a criminal offense in this state. Any such reward offered shall not exceed the following amounts for the following classification of offenses:

(1) Fifty thousand dollars (\$50,000) for an offense that is classified as a Class A or B felony; and

(2) Five thousand dollars (\$5,000) for an offense that is classified as a Class C, D or E felony.

(b) The fifty thousand dollar (\$50,000) and five thousand dollar (\$5,000) reward maximums imposed by subsection (a) of this section shall apply only to state appropriated funds. The governor

may increase the amount of any reward offered by use of funds from the "Reward Pool Fund" created in this part.

(c) When the governor offers a reward pursuant to this section, the governor may place any reasonable conditions upon collection of the reward as the governor deems advisable or necessary.

**Senate Amendment No. 9**

AMEND House Bill No. 1495 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Rep. Armstrong moved that the House concur in Senate Amendment(s) No(s). 1, 2, 4, 5 and 9 to **House Bill No. 1495**, which motion prevailed by the following vote:

Ayes..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**UNFINISHED BUSINESS**

**RULES SUSPENDED**

Rep. Walley moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 300 out of order, which motion prevailed.

**WEDNESDAY, MAY 14, 1997 -- FORTY-SECOND LEGISLATIVE DAY**

**House Joint Resolution No. 300** -- Memorials, Professional Achievement - Ben Carr. by \*Walley.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Walley, the resolution was adopted.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Maddox moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 273 out of order, which motion prevailed.

**Senate Joint Resolution No. 273** -- Memorials, Personal Occasion - Mr. and Mrs. Bill White, 50th anniversary. by \*Herron.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Maddox, the resolution was concurred in.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Patton moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 301 out of order, which motion prevailed.

**House Joint Resolution No. 301** -- Naming and Designating - "Lifelong Learning Week," third week in May. by \*Patton.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Patton, the resolution was adopted.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Bowers moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 283 out of order, which motion prevailed.

**WEDNESDAY, MAY 14, 1997 -- FORTY-SECOND LEGISLATIVE DAY**

**House Joint Resolution No. 283** -- Naming and Designating - "Stroke Awareness Day," May 20, 1997. by \*Bowers, \*Pruitt, \*Langster, \*Turner (Hamilton), \*Cooper B, \*Armstrong, \*Bird, \*Jackson, \*Kernell, \*Jones U (Shelby), \*McKee, \*DeBerry L, \*Chumney, \*DeBerry J, \*Hassell.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Bowers, the resolution was adopted.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE  
May 14, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 600; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE  
May 14, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1202; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on May 15, 1997:

**House Bill No. 600:** by Rep. Westmoreland

Pursuant to Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on May 19, 1997:

**House Bill No. 1202:** by Rep. J. DeBerry

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Resolution No. 57:** Rep(s). Cooper as prime sponsor(s).

**House Joint Resolution No. 63:** Rep(s). Maddox as prime sponsor(s).

**WEDNESDAY, MAY 14, 1997 -- FORTY-SECOND LEGISLATIVE DAY**

**House Joint Resolution No. 219:** Rep(s). Westmoreland, Burchett and McDonald as prime sponsor(s).

**House Bill No. 146:** Rep(s). Hargrove as first prime sponsor(s).

**House Bill No. 230:** Rep(s). Langster as prime sponsor(s).

**House Bill No. 412:** Rep(s). Pruitt as prime sponsor(s).

**House Bill No. 570:** Rep(s). Cooper as prime sponsor(s).

**House Bill No. 888:** Rep(s). Mumpower as prime sponsor(s).

**House Bill No. 889:** Rep(s). Roach as prime sponsor(s).

**House Bill No. 1780:** Rep(s). Buck as first prime sponsor(s).

**House Bill No. 1830:** Rep(s). Buck as prime sponsor(s).

**House Bill No. 1911:** Rep(s). Cooper as prime sponsor(s).

**House Bill No. 1922:** Rep(s). Cooper as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). Ridgeway was/were removed as sponsor(s) of **House Bill No. 1780**.

**REQUEST TO BE ADDED AS SPONSOR**

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage/adoption of said bill/resolution:

**House Joint Resolution No. 142:** Rep. Davidson

**MESSAGE FROM THE GOVERNOR**

**May 14, 1997**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 24, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**MESSAGE FROM THE SENATE**

**May 14, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 187, 258, 953, 1107, 1904 and 1964; also, House Joint Resolution(s) No(s). 251; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 14, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 13, 292, 383, 431, 529, 648, 702, 734, 815, 1073, 1204, 1559, 1937, 1996, 1997, 1998 and 2001; also, Senate Joint Resolution(s) No(s). 124, 169, 225, 227, 228, 229, 235, 237, 238, 239, 240, 247 and 248 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**May 12, 1997**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 187, 258, 953, 1107, 1904 and 1964; also, House Joint Resolution(s) No(s). 251.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 14, 1997**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 132; amended and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**SIGNED**

**May 14, 1997**

The Speaker signed the following: Senate Bill(s) No(s). 13, 292, 383, 431, 529, 648, 702, 734, 815, 1073, 1204, 1559, 1937, 1996, 1997, 1998 and 2001; also, Senate Joint Resolution(s) No(s). 124, 169, 225, 227, 228, 229, 235, 237, 238, 239, 240, 247 and 248.

**MESSAGE FROM THE SENATE**

**May 14, 1997**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 241, 243, 245, 246, 247, 249, 250, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 266, 267, 268, 269, 270, 271, 273, 274, 275, 276 and 277; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 14, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 300, 1967 and 1993; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**May 14, 1997**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 356, 760, 761, 798, 799, 800, 801 and 1719, also, House Joint Resolution(s) No(s). 155, 213, 272, 282, 284, 285, 289, 290, 291, 292, 293, 294, 295, 296 and 297.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 14, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 273; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**May 14, 1997**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 872 and 1234.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 14, 1997**

MR. SPEAKER: I am directed to request the return of House Joint Resolution(s) No(s). 132 for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 14, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 665; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**May 14, 1997**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 283 and 301.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS**

**May 14, 1997**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 241, 243, 245, 246, 247, 249, 250, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 266, 267, 268, 269, 270, 271, 273, 274, 275, 276 and 277; also, House Resolution(s) No(s). 77 and 79.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**May 14, 1997**

The Speaker signed the following: House Bill(s) No(s). ; House Joint Resolution(s) No(s). 241, 243, 245, 246, 247, 249, 250, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 266, 267, 268, 269, 270, 271, 273, 274, 275, 276 and 277; also, House Resolution(s) No(s). 77 and 79.

BETTY KAY FRANCIS, Chief Engrossing Clerk.



**ENGROSSED BILLS**

**May 14, 1997**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s) 300.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 14, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 518, 726, 878, 1034, 1213 and 1274; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 518** -- Taxes, Sales - Removes sales tax liability for retail purchases of certain food staples bought during October 1997; requires commissioners of revenue, health and human services to report on overall impact of such temporary sales tax exemption. Amends TCA Title 67, Chapter 6. by \*Rochelle.

**\*Senate Bill No. 726** -- Taxes, Sales - Includes pre-paid telephone calling cards in definition of "tangible personal property" for sales tax law Amends TCA Section 67-6-102(28). by \*Dixon.

**\*Senate Bill No. 878** -- Dentists - Requires insurance coverage for anesthesia, hospital and physician costs associated with inpatient/outpatient dental procedures covered under contract or policy; benefit subject to same deductibles or co-insurance established for all other covered benefits; prohibits private third-party payors from reducing or eliminating coverage. Amends TCA Title 56. by \*Jordan.

**Senate Bill No. 1034** -- Gas, Petroleum Products, Volatile Oils - Authorizes gas acquisition corporations to be joined by municipalities, utility districts and gas authorities Amends TCA Title 7, Chapter 39, Part 3. by \*Gilbert.

**\*Senate Bill No. 1213** -- Highways, Roads and Bridges - Directs commissioner of transportation to submit to U. S. department of transportation preferred interstate route for high priority corridor through portion of Shelby County in relative proximity to U.S. 51 and runs through Zip Code 38127. Amends TCA Title 54. by \*Kyle.

**\*Senate Bill No. 1274** -- Abortion - Bans partial-birth abortions; provides same penalty as for criminal abortions which is Class C felony; provides civil remedies. Amends TCA Title 39, Chapter 15, Part 2. by \*Jordan, \*Ramsey, \*Carter, \*Williams, \*Koella, \*Atchley, \*Henry, \*Davis L, \*Burks, \*Person, \*Fowler, \*Haun, \*Cooper, \*Miller J, \*Crowe, \*Elsea.

**ENGROSSED BILLS**

**May 14, 1997**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1055.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 99

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

**RECESS MOTION**

On motion of Rep. Hargrove, the House recessed until 9:00 a.m., Thursday, May 15, 1997.